

By: Robert J. [Signature]

5.B. No. 1552

A BILL TO BE ENTITLED

AN ACT

relating to the creation and composition of county courts at law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Section 25.0451(a), Government Code, is amended to read as follows:

(a) Collin County has the following statutory county courts:

- (1) County Court at Law No. 1 of Collin County;
- (2) County Court at Law No. 2 of Collin County;
- (3) County Court at Law No. 3 of Collin County;
- (4) County Court at Law No. 4 of Collin County; ~~and~~
- (5) County Court at Law No. 5 of Collin County; and
- (6) County Court at Law No. 6 of Collin County.

(b) The County Court at Law No. 6 of Collin County is created and this section takes effect January 1, 2005.

SECTION 2. (a) Section 25.0481, Government Code, is amended to read as follows:

Sec. 25.0481. COMAL COUNTY. Comal County has the following ~~one~~ statutory county courts:

- (1) [court, the] County Court at Law No. 1 of Comal County; and
- (2) County Court at Law No. 2 of Comal County.

(b) The County Court at Law No. 2 of Comal County is created and this section takes effect September 1, 2003.

1 SECTION 3. (a) Subchapter C, Chapter 25, Government Code,
2 is amended by adding Sections 25.2011 and 25.2012 to read as
3 follows:

4 Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has one
5 statutory county court, the County Court at Law of Rockwall County.

6 Sec. 25.2012. ROCKWALL COUNTY COURT AT LAW PROVISIONS. (a)
7 In addition to the jurisdiction provided by Section 25.0003 and
8 other law, and except as limited by Subsection (b), a county court
9 at law in Rockwall County has, concurrent with the district court,
10 the jurisdiction provided by the constitution and general law for
11 district courts.

12 (b) A county court at law does not have general supervisory
13 control or appellate review of the commissioners court or
14 jurisdiction of:

15 (1) felony cases involving capital murder;

16 (2) suits on behalf of the state to recover penalties
17 or escheated property;

18 (3) misdemeanors involving official misconduct; or

19 (4) contested elections.

20 (c) The district clerk serves as clerk of a county court at
21 law except that the county clerk serves as clerk of the county court
22 at law in matters of mental health, the probate and criminal
23 misdemeanor docket, and all civil matters in which the county court
24 at law does not have concurrent jurisdiction with the district
25 court.

26 (d) Jurors regularly impaneled for the week by the district
27 courts may, at the request of the judge of a county court at law, be

1 made available by the district judge in the numbers requested and
2 shall serve for the week or until released in the county court at
3 law.

4 (e) A county court at law may summon jurors through the
5 county clerk for service in the county court at law in the manner
6 provided by the laws governing the drawing, selection, and service
7 of jurors for county courts. Jurors summoned shall be paid in the
8 same manner and at the same rate as jurors for district courts in
9 Rockwall County. By order of the judge of a county court at law,
10 jurors summoned to the county court at law may be transferred to the
11 district court for service in noncapital felony cases.

12 (f) Notwithstanding Sections 74.091 and 74.0911, a district
13 judge serves as the local administrative judge for the district and
14 statutory county courts in Rockwall County. The judges of district
15 courts shall elect a district judge as local administrative judge
16 for a term of not more than two years. The local administrative
17 judge may not be elected on the basis of rotation or seniority.

18 (g) When administering a case for the county court at law,
19 the district clerk shall charge civil fees and court costs as if the
20 case had been filed in the district court. In a case of concurrent
21 jurisdiction, the case shall be assigned to either the district
22 court or the county court at law in accordance with local
23 administrative rules established by the local administrative
24 judge.

25 (h) The judge of the county court at law shall appoint an
26 official court reporter for the court and shall set the official
27 court reporter's annual salary, subject to approval by the county

1 commissioners court. The official court reporter of the county
2 court at law shall take an oath or affirmation as an officer of the
3 court. The official court reporter holds office at the pleasure of
4 the judge of the court and shall be provided a private office in
5 close proximity to the court. The official court reporter is
6 entitled to all rights and benefits afforded all other county
7 employees.

8 (i) With the approval of the county commissioners court and
9 through the county budget process, the judge of the county court at
10 law shall hire a staff. The staff of the judge of the county court
11 at law consists of a court coordinator and a bailiff. Court
12 personnel employed under this subsection are entitled to receive a
13 salary set by the commissioners court and other employment benefits
14 received by county employees.

15 (j) Not later than one year after the date of appointment,
16 the bailiff of a county court at law must obtain a peace officer
17 license under Chapter 1701, Occupations Code, from the Commission
18 on Law Enforcement Officer Standards and Education. The sheriff of
19 Rockwall County shall deputize the bailiff of a county court at law.
20 The bailiff of a county court at law is subject to the training and
21 continuing education requirements of a sheriff's deputy of the
22 county. The sheriff shall remove from office a bailiff who does not
23 receive a peace officer license within one year of appointment as
24 required by this subsection.

25 (k) The judge of a county court at law must be a United
26 States citizen at the time of appointment or election.

27 (l) The judge of a county court at law shall diligently

1 discharge the duties of the office on a full-time basis and may not
2 engage in the private practice of law.

3 (m) In matters of concurrent jurisdiction, the judge of a
4 county court at law and the district judge may exchange benches,
5 transfer cases subject to acceptance, assign each other to hear
6 cases, and otherwise manage their respective dockets under local
7 administrative rules.

8 (n) The judge of a county court at law has the same judicial
9 immunity as a district judge.

10 (b) The County Court at Law of Rockwall County is created
11 and this section takes effect September 1, 2003.

12 SECTION 4. Except as otherwise provided by this Act, this
13 Act takes effect September 1, 2003.

1-1 By: Duncan S.B. No. 1552
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 24, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 24, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1552 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation and composition of certain county courts
1-11 at law.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. (a) Subsection (a), Section 25.0451,
1-14 Government Code, is amended to read as follows:

1-15 (a) Collin County has the following statutory county
1-16 courts:

- 1-17 (1) County Court at Law No. 1 of Collin County;
- 1-18 (2) County Court at Law No. 2 of Collin County;
- 1-19 (3) County Court at Law No. 3 of Collin County;
- 1-20 (4) County Court at Law No. 4 of Collin County; ~~and~~
- 1-21 (5) County Court at Law No. 5 of Collin County; and
- 1-22 (6) County Court at Law No. 6 of Collin County.

1-23 (b) The County Court at Law No. 6 of Collin County is created
1-24 and this section takes effect January 1, 2005.

1-25 SECTION 2. (a) Section 25.0481, Government Code, is
1-26 amended to read as follows:

1-27 Sec. 25.0481. COMAL COUNTY. Comal County has the following
1-28 ~~[one]~~ statutory county courts:

- 1-29 (1) ~~[court, the]~~ County Court at Law No. 1 of Comal
1-30 County; and
- 1-31 (2) County Court at Law No. 2 of Comal County.

1-32 (b) The County Court at Law No. 2 of Comal County is created
1-33 and this section takes effect September 1, 2003.

1-34 SECTION 3. (a) Section 25.1091, Government Code, is
1-35 amended to read as follows:

1-36 Sec. 25.1091. HENDERSON COUNTY. Henderson County has the
1-37 following ~~[one]~~ statutory county courts:

- 1-38 (1) ~~[court, the]~~ the County Court at Law of Henderson
1-39 County; and
- 1-40 (2) the County Court at Law No. 2 of Henderson County.

1-41 (b) Subsections (a) and (c), Section 152.1131, Human
1-42 Resources Code, are amended to read as follows:

1-43 (a) The juvenile board of Henderson County is composed of:

- 1-44 (1) the county judge;
- 1-45 (2) the judges of the 3rd, 173rd, and 392nd judicial
1-46 districts;
- 1-47 (3) the judges ~~[judge]~~ of the county courts ~~[court]~~ at
1-48 law; and
- 1-49 (4) the county attorney.

1-50 (c) The commissioners court shall pay the 173rd and 392nd
1-51 district judges and the county court at law judges ~~[judge]~~ an amount
1-52 set by the commissioners court at not less than \$750 a month and
1-53 shall pay the 3rd district judge an amount set by the commissioners
1-54 court at not less than one-third of the amount paid to the 173rd or
1-55 392nd district judge or the county court at law judges ~~[judge]~~. The
1-56 commissioners court shall pay the other juvenile board members an
1-57 amount set by the commissioners court at not less than \$250 a month.
1-58 The compensation is in addition to other compensation provided or
1-59 allowed by law.

1-60 (c) Notwithstanding Section 25.1091, Government Code, as
1-61 amended by this section, the County Court at Law No. 2 of Henderson
1-62 County is created December 1, 2007, or on an earlier date determined
1-63 by the commissioners court by an order entered in its minutes.

SECTION 4. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.2011 and 25.2012 to read as follows:

Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has one statutory county court, the County Court at Law of Rockwall County.

Sec. 25.2012. ROCKWALL COUNTY COURT AT LAW PROVISIONS.
 (a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Rockwall County has, concurrent with the district court, the jurisdiction provided by the constitution and general law for district courts.

(b) A county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of:

- (1) felony cases involving capital murder;
- (2) suits on behalf of the state to recover penalties or escheated property;
- (3) misdemeanors involving official misconduct; or
- (4) contested elections.

(c) The district clerk serves as clerk of a county court at law except that the county clerk serves as clerk of the county court at law in matters of mental health, the probate and criminal misdemeanor docket, and all civil matters in which the county court at law does not have concurrent jurisdiction with the district court.

(d) Jurors regularly impaneled for the week by the district courts may, at the request of the judge of a county court at law, be made available by the district judge in the numbers requested and shall serve for the week or until released in the county court at law.

(e) A county court at law may summon jurors through the county clerk for service in the county court at law in the manner provided by the laws governing the drawing, selection, and service of jurors for county courts. Jurors summoned shall be paid in the same manner and at the same rate as jurors for district courts in Rockwall County. By order of the judge of a county court at law, jurors summoned to the county court at law may be transferred to the district court for service in noncapital felony cases.

(f) Notwithstanding Sections 74.091 and 74.0911, a district judge serves as the local administrative judge for the district and statutory county courts in Rockwall County. The judges of district courts shall elect a district judge as local administrative judge for a term of not more than two years. The local administrative judge may not be elected on the basis of rotation or seniority.

(g) When administering a case for the county court at law, the district clerk shall charge civil fees and court costs as if the case had been filed in the district court. In a case of concurrent jurisdiction, the case shall be assigned to either the district court or the county court at law in accordance with local administrative rules established by the local administrative judge.

(h) The judge of the county court at law shall appoint an official court reporter for the court and shall set the official court reporter's annual salary, subject to approval by the county commissioners court. The official court reporter of the county court at law shall take an oath or affirmation as an officer of the court. The official court reporter holds office at the pleasure of the judge of the court and shall be provided a private office in close proximity to the court. The official court reporter is entitled to all rights and benefits afforded all other county employees.

(i) With the approval of the county commissioners court and through the county budget process, the judge of the county court at law shall hire a staff. The staff of the judge of the county court at law consists of a court coordinator and a bailiff. Court personnel employed under this subsection are entitled to receive a salary set by the commissioners court and other employment benefits received by county employees.

(j) Not later than one year after the date of appointment,

3-1 the bailiff of a county court at law must obtain a peace officer
3-2 license under Chapter 1701, Occupations Code, from the Commission
3-3 on Law Enforcement Officer Standards and Education. The sheriff of
3-4 Rockwall County shall deputize the bailiff of a county court at law.
3-5 The bailiff of a county court at law is subject to the training and
3-6 continuing education requirements of a sheriff's deputy of the
3-7 county. The sheriff shall remove from office a bailiff who does not
3-8 receive a peace officer license within one year of appointment as
3-9 required by this subsection.

3-10 (k) The judge of a county court at law must be a United
3-11 States citizen at the time of appointment or election.

3-12 (l) The judge of a county court at law shall diligently
3-13 discharge the duties of the office on a full-time basis and may not
3-14 engage in the private practice of law.

3-15 (m) In matters of concurrent jurisdiction, the judge of a
3-16 county court at law and the district judge may exchange benches,
3-17 transfer cases subject to acceptance, assign each other to hear
3-18 cases, and otherwise manage their respective dockets under local
3-19 administrative rules.

3-20 (n) The judge of a county court at law has the same judicial
3-21 immunity as a district judge.

3-22 (b) The County Court at Law of Rockwall County is created
3-23 and this section takes effect September 1, 2003.

3-24 SECTION 5. Except as otherwise provided by this Act, this
3-25 Act takes effect September 1, 2003.

3-26 * * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 1552
By Duncan
(Author/Senate Sponsor)
04-24-03
(date)

We, your Committee on JURISPRUDENCE, to which was referred the attached measure,
have on 04-22-03, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- do pass as substituted, and be printed
 - the caption remained the same as original measure
 - the caption changed with adoption of the substitute
- do pass as substituted, and be ordered not printed
- and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. yes no
A revised fiscal note was requested. yes no
An actuarial analysis was requested. yes no
Considered by subcommittee. yes no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Robert Duncan, Chairman	✓			
Senator Mario Gallegos, Vice-Chairman	✓			
Senator Kip Averitt	✓			
Senator Teel Bivins			✓	
Senator Chris Harris	✓			
Senator Eddie Lucio, Jr.	✓			
Senator Royce West	✓			
TOTAL VOTES	6	0	1	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

COMMITTEE CLERK CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center
78R12336 YDB-D

C.S.S.B. 1552
By: Duncan
Jurisprudence
4/23/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

C.S.S.B. 1552 creates an additional county court at law in Collin County, in Comal County, in Rockwall County, and in Henderson County.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority, to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Amends Section 25.0451, Government Code, as follows:

(a) Provides that Collin County has certain statutory county courts, including the County Court at Law No. 6 of Collin County.

(b) Provides that the County Court at Law No. 6 of Collin County is created and this section takes effect January 1, 2005.

SECTION 2. (a) Amends Section 25.0481, Government Code, as follows:

Sec. 25.0481. COMAL COUNTY. Provides that Comal County has certain statutory county courts, including the County Court at Law No. 1 of Comal County and the County Court at Law No. 2 of Comal County.

(b) Provides that the County Court at Law No. 2 of Comal County is created and this section takes effect September 1, 2003.

SECTION 3. (a) Amends Section 25.1091, Government Code, as follows:

Sec. 25.1091. HENDERSON COUNTY. Provides that Henderson County has certain statutory county courts, including the County Court at Law No. 2 of Henderson County.

(b) Amends Sections 152.1131(a) and (c), Human Resources Code, to amend "judge" to "judges" and "court" to "courts."

(c) Provides that notwithstanding Section 25.1091, Government Code, as amended by this section, the County Court at Law No. 2 of Henderson County is created December 1, 2007, or on an earlier date determined by the commissioners court by an order entered in its minutes.

SECTION 4. (a) Amends Subchapter C, Chapter 25, Government Code, by adding Sections 25.2011 and 25.2012, as follows:

Sec. 25.2011. ROCKWALL COUNTY. Provides that Rockwall County has one statutory county court, the County Court at Law of Rockwall County.

Sec. 25.2012. ROCKWALL COUNTY COURT AT LAW PROVISIONS. (a) Provides

that in addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Rockwall County has, concurrent with the district court, the jurisdiction provided by the constitution and general law for district courts.

(b) Provides that a county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of certain matters.

(c) Provides that the district clerk serves as clerk of a county court at law except that the county clerk serves as clerk of the county court at law in matters of mental health, the probate and criminal misdemeanor docket, and all civil matters in which the county court at law does not have concurrent jurisdiction with the district court.

(d) Authorizes jurors regularly impaneled for the week by the district courts to, at the request of the judge of a county court at law, be made available by the district judge in the numbers requested and to serve for the week or until released in the county court at law.

(e) Authorizes a county court at law to summon jurors through the county clerk for service in the county court at law in the manner provided by the laws governing the drawing, selection, and service of jurors for county courts. Requires jurors summoned to be paid in the same manner and at the same rate as jurors for district courts in Rockwall County. Authorizes jurors summoned to the county court at law, by order of the judge of a county court at law, to be transferred to the district court for service in noncapital felony cases.

(f) Provides that notwithstanding Sections 74.091 and 74.0911, a district judge serves as the local administrative judge for the district and statutory county courts in Rockwall County. Requires the judges of district courts to elect a district judge as local administrative judge for a term of not more than two years. Prohibits the local administrative judge from being elected on the basis of rotation or seniority.

(g) Requires the district clerk, when administering a case for the county court at law, to charge civil fees and court costs as if the case had been filed in the district court. Requires the case, in a case of concurrent jurisdiction, to be assigned to either the district court or the county court at law in accordance with local administrative rules established by the local administrative judge.

(h) Requires the judge of the county court at law to appoint an official court reporter for the court and to set the official court reporter's annual salary, subject to approval by the county commissioners court. Requires the official court reporter of the county court at law to take an oath or affirmation as an officer of the court. Provides that the official court reporter holds office at the pleasure of the judge of the court and shall be provided a private office in close proximity to the court. Provides that the official court reporter is entitled to all rights and benefits afforded all other county employees.

(i) Requires the judge of the county court at law to hire a staff with the approval of the county commissioners court and through the county budget process. Provides that the staff of the judge of the county court at law consists of a court coordinator and a bailiff. Provides that court personnel employed under this subsection are entitled to receive a salary set by the commissioners court and other employment benefits received by county employees.

(j) Requires the bailiff of a county court at law, not later than one year after the date of appointment, to obtain a peace officer license under Chapter 1701, Occupations Code, from the Commission on Law Enforcement Officer Standards and Education. Requires the sheriff of Rockwall County to deputize the bailiff of

a county court at law. Provides that the bailiff of a county court at law is subject to the training and continuing education requirements of a sheriff's deputy of the county. Requires the sheriff to remove from office a bailiff who does not receive a peace officer license within one year of appointment as required by this subsection.

(k) Requires the judge of a county court at law to be a United States citizen at the time of appointment or election.

(l) Requires the judge of a county court at law to diligently discharge the duties of the office on a full-time basis and prohibits engaging in the private practice of law.

(m) Authorizes the judge of a county court at law and the district judge, in matters of concurrent jurisdiction, to exchange benches, transfer cases subject to acceptance, assign each other to hear cases, and otherwise manage their respective dockets under local administrative rules.

(n) Provides that the judge of a county court at law has the same judicial immunity as a district judge.

(b) Provides that the County Court at Law of Rockwall County is created and this section takes effect September 1, 2003.

SECTION 5. Effective date: September 1, 2003, except as otherwise provided by this Act.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 23, 2003

TO: Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of county courts at law.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552. Committee Report 1st House, Substituted: a negative impact of (\$13,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$13,750)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$13,750)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would also amend Government Code, Chapter 25 to create an additional county court at law in Comal County, the County Court at Law No. 2.

The bill would amend the Government Code, Chapter 25 to create an additional county court at law in Henderson County. Under the bill, the County Court at Law No. 2 in Henderson County would be created December 1, 2007 or on an earlier date determined by the commissioner's court.

The bill would also create a county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, these two courts would be created on September 1, 2003.

The bill would take effect September 1, 2003.

Methodology

Since Collin, Comal, and Henderson counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law, once those courts are established. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12. This estimate assumes the Henderson County Court at Law is established on December 1, 2007 and the salary supplement has been prorated for 9 months in fiscal year 2008.

Local Government Impact

The auditors in Collin, Comal, Henderson, and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$ -	\$ 455,241	\$ 586,694	\$ 586,694	\$ 586,694
Comal	\$ 337,727	\$ 286,920	\$ 295,522	\$ 304,555	\$ 314,039
Henderson	\$ 104,740	\$ 174,875	\$ 248,375	\$ 264,447	\$ 282,151
Rockwall	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts
LBB Staff: JK, GO, VDS, TB, KG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 9, 2003

TO: Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of county courts at law.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552, As Introduced: a negative impact of (\$13,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$10,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$10,000)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would also amend Government Code, Chapter 25 to create an additional county court at law in Comal County, the County Court at Law No. 2. The bill would also create a county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, these two courts would be created on September 1, 2003. The bill would take effect September 1, 2003.

Methodology

Since Collin and Comal counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12.

Local Government Impact

The auditors in Collin, Comal, and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$0	(\$455,241)	(\$586,694)	(\$586,694)	(\$586,694)
Comal	(\$337,727)	(\$286,920)	(\$295,522)	(\$304,555)	(\$314,039)
Rockwall	(\$425,000)	(\$425,000)	(\$425,000)	(\$425,000)	(\$425,000)

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JK, GO, VDS, TB, KG

ADOPTED
as amended
MAY 01 2003
Atty. Gen.
Secretary of the Senate

By: Duman

S.B. No. 1552

Substitute the following for S.B. No. 1552:

By: [Signature] C.S. S.B. No. 1552

A BILL TO BE ENTITLED

AN ACT

relating to the creation and composition of ^{certain} county courts at law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) ^{Subsection (a).} Section 25.0451(a), Government Code, is amended to read as follows:

(a) Collin County has the following statutory county courts:

- (1) County Court at Law No. 1 of Collin County;
- (2) County Court at Law No. 2 of Collin County;
- (3) County Court at Law No. 3 of Collin County;
- (4) County Court at Law No. 4 of Collin County; ~~and~~
- (5) County Court at Law No. 5 of Collin County; and
- (6) County Court at Law No. 6 of Collin County.

(b) The County Court at Law No. 6 of Collin County is created and this section takes effect January 1, 2005.

SECTION 2. (a) Section 25.0481, Government Code, is amended to read as follows:

Sec. 25.0481. COMAL COUNTY. Comal County has the following ~~[one]~~ statutory county courts:

- (1) [court, the] County Court at Law No. 1 of Comal County; and
- (2) County Court at Law No. 2 of Comal County.

(b) The County Court at Law No. 2 of Comal County is created ^{1/2} and this section takes effect September 1, 2003.

1 SECTION 3. (a) Section 25.1091, Government Code, is
2 amended to read as follows:

3 Sec. 25.1091. HENDERSON COUNTY. Henderson County has the
4 following ~~[one]~~ statutory county courts:

5 (1) ~~[court]~~ the County Court at Law of Henderson
6 County; and

7 (2) the County Court at Law No. 2 of Henderson County.

8 ^{Subsections (a) and (c),}
9 (b) ~~Sections 152.1131(a) and (c)~~, Human Resources Code, are
10 amended to read as follows:

11 (a) The juvenile board of Henderson County is composed of:

12 (1) the county judge;

13 (2) the judges of the 3rd, 173rd, and 392nd judicial
14 districts;

15 (3) the judges ~~[judge]~~ of the county courts ~~[court]~~ at
16 law; and

17 (4) the county attorney.

18 (c) The commissioners court shall pay the 173rd and 392nd
19 district judges and the county court at law judges ~~[judge]~~ an amount
20 set by the commissioners court at not less than \$750 a month and
21 shall pay the 3rd district judge an amount set by the commissioners
22 court at not less than one-third of the amount paid to the 173rd or
23 392nd district judge or the county court at law judges ~~[judge]~~. The
24 commissioners court shall pay the other juvenile board members an
25 amount set by the commissioners court at not less than \$250 a month.
26 The compensation is in addition to other compensation provided or
27 allowed by law. ✓

 (c) Notwithstanding Section 25.1091, Government Code, as

1 amended by this section, the County Court at Law No. 2 of Henderson
2 County is created December 1, 2007, or on an earlier date determined
3 by the commissioners court by an order entered in its minutes.

4 SECTION 4. (a) Subchapter C, Chapter 25, Government Code,
5 is amended by adding Sections 25.2011 and 25.2012 to read as
6 follows:

7 Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has one
8 statutory county court, the County Court at Law of Rockwall County.

9 Sec. 25.2012. ROCKWALL COUNTY COURT AT LAW PROVISIONS. (a)
10 In addition to the jurisdiction provided by Section 25.0003 and
11 other law, and except as limited by Subsection (b), a county court
12 at law in Rockwall County has, concurrent with the district court,
13 the jurisdiction provided by the constitution and general law for
14 district courts.

15 (b) A county court at law does not have general supervisory
16 control or appellate review of the commissioners court or
17 jurisdiction of:

18 (1) felony cases involving capital murder;

19 (2) suits on behalf of the state to recover penalties
20 or escheated property;

21 (3) misdemeanors involving official misconduct; or

22 (4) contested elections.

23 (c) The district clerk serves as clerk of a county court at
24 law except that the county clerk serves as clerk of the county court
25 at law in matters of mental health, the probate and criminal
26 misdemeanor docket, and all civil matters in which the county court
27 at law does not have concurrent jurisdiction with the district

1 court.

2 (d) Jurors regularly impaneled for the week by the district
3 courts may, at the request of the judge of a county court at law, be
4 made available by the district judge in the numbers requested and
5 shall serve for the week or until released in the county court at
6 law.

7 (e) A county court at law may summon jurors through the
8 county clerk for service in the county court at law in the manner
9 provided by the laws governing the drawing, selection, and service
10 of jurors for county courts. Jurors summoned shall be paid in the
11 same manner and at the same rate as jurors for district courts in
12 Rockwall County. By order of the judge of a county court at law,
13 jurors summoned to the county court at law may be transferred to the
14 district court for service in noncapital felony cases.

15 (f) Notwithstanding Sections 74.091 and 74.0911, a district
16 judge serves as the local administrative judge for the district and
17 statutory county courts in Rockwall County. The judges of district
18 courts shall elect a district judge as local administrative judge
19 for a term of not more than two years. The local administrative
20 judge may not be elected on the basis of rotation or seniority.

21 (g) When administering a case for the county court at law,
22 the district clerk shall charge civil fees and court costs as if the
23 case had been filed in the district court. In a case of concurrent
24 jurisdiction, the case shall be assigned to either the district
25 court or the county court at law in accordance with local
26 administrative rules established by the local administrative
27 judge. 4/5

1 (h) The judge of the county court at law shall appoint an
2 official court reporter for the court and shall set the official
3 court reporter's annual salary, subject to approval by the county
4 commissioners court. The official court reporter of the county
5 court at law shall take an oath or affirmation as an officer of the
6 court. The official court reporter holds office at the pleasure of
7 the judge of the court and shall be provided a private office in
8 close proximity to the court. The official court reporter is
9 entitled to all rights and benefits afforded all other county
10 employees.

11 (i) With the approval of the county commissioners court and
12 through the county budget process, the judge of the county court at
13 law shall hire a staff. The staff of the judge of the county court
14 at law consists of a court coordinator and a bailiff. Court
15 personnel employed under this subsection are entitled to receive a
16 salary set by the commissioners court and other employment benefits
17 received by county employees.

18 (j) Not later than one year after the date of appointment,
19 the bailiff of a county court at law must obtain a peace officer
20 license under Chapter 1701, Occupations Code, from the Commission
21 on Law Enforcement Officer Standards and Education. The sheriff of
22 Rockwall County shall deputize the bailiff of a county court at law.
23 The bailiff of a county court at law is subject to the training and
24 continuing education requirements of a sheriff's deputy of the
25 county. The sheriff shall remove from office a bailiff who does not
26 receive a peace officer license within one year of appointment as
27 required by this subsection.

1 (k) The judge of a county court at law must be a United
2 States citizen at the time of appointment or election.

3 (l) The judge of a county court at law shall diligently
4 discharge the duties of the office on a full-time basis and may not
5 engage in the private practice of law.

6 (m) In matters of concurrent jurisdiction, the judge of a
7 county court at law and the district judge may exchange benches,
8 transfer cases subject to acceptance, assign each other to hear
9 cases, and otherwise manage their respective dockets under local
10 administrative rules.

11 (n) The judge of a county court at law has the same judicial
12 immunity as a district judge.

13 (b) The County Court at Law of Rockwall County is created
14 and this section takes effect September 1, 2003.

Insert
F.A.#15 → SECTION ⁶~~V~~. Except as otherwise provided by this Act, this
16 Act takes effect September 1, 2003.

ADOPTED

W.C.

MAY 01 2003

Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: Craig Estes

Amend C.S.S.B. No. 1552 by adding the following SECTION appropriately numbered and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 5. Subsection (a),
C-3 (a) ~~Section 25.1861~~, Government Code, is amended to read as follows:

(a) Parker County has the following ~~[one]~~ statutory county courts:

(1) ~~[court]~~ the County Court at Law of Parker County;

and

(2) the County Court at Law No. 2 of Parker County.

(b) Section 25.1862, Government Code, is amended by amending Subsections (a), (b), (d), (e), (f), (i), (k), and (m) and adding Subsections (c) and (n) ^{through} (x) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Parker County has the ~~[concurrent]~~ jurisdiction provided by the constitution and by general law for ~~[with the]~~ district courts ~~[court in]~~

~~[(1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$500,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition, and~~

~~[(2) family law cases and proceedings].~~

(b) A ~~[This section does not affect the right to appeal to a]~~ county court at law does not have jurisdiction of felony cases, except as otherwise provided ~~[from the justice courts in cases in which the right of appeal to the county court exists]~~ by law.

(c) A county court at law does not have general supervisory control over the commissioners court.

Insert (ca't)

1 (d) A ~~[The judge of a]~~ county court at law may not issue
2 writs of habeas corpus in felony cases ~~[engage in the private~~
3 ~~practice of law]~~.

4 (e) The district clerk serves as clerk of a county court at
5 law in cases in the concurrent jurisdiction of the county courts at
6 law and the district courts, and the county clerk serves as the
7 clerk in all other cases. The district clerk shall establish a
8 separate docket for each ~~[judge of a]~~ county court at law ~~[shall be~~
9 ~~paid an annual salary of at least \$40,000]~~.

10 (f) A special judge of a county court at law ~~[If the regular~~
11 ~~judge of a county court at law is absent, disabled, or disqualified~~
12 ~~from presiding, a special judge with the same qualifications as the~~
13 ~~regular judge]~~ may be appointed or elected in the manner provided by
14 law for the appointment or election of a special county judge. 218

15 (i) The district attorney or county attorney and the county
16 sheriff, in person or by deputy, shall attend a county court at law
17 as required by the judge.

18 (k) If a jury trial is requested in a case that is in a
19 county court at law's jurisdiction as provided by Subsection (a),
20 the jury shall be composed of six members unless the constitution
21 requires a 12-member jury. Failure to object before a six-member
22 jury is seated and sworn constitutes a waiver of a 12-member jury.
23 ~~[With the approval of the commissioners court, the judge of a county~~
24 ~~court at law may appoint personnel necessary to administer court~~
25 ~~activities. The appointed personnel shall perform the duties~~
26 ~~prescribed by the judge and shall cooperate with state agencies for~~
27 ~~the uniform and efficient operation of the courts and the~~
28 ~~administration of justice. The personnel are entitled to be paid~~
29 ~~from county funds the compensation, fees, and allowances that are~~
30 ~~set by the commissioners court or as otherwise provided by law.]~~

31 (m) On request of a county court at law judge, jurors

Insert (cont)
→

1 regularly impaneled for a week by the district courts may be made
2 available and shall serve for the week in the county court at law
3 [Sections 25.0005(b), 25.0006, and 25.0008 do not apply to a county
4 court at law in Parker County].

5 (n) A county court at law of Parker County may summon jurors
6 for service in the court in the manner provided by law for county
7 courts. Juries summoned for the County Court of Parker County or a
8 county court at law of Parker County may, by order of the judge of
9 the court in which they are summoned, be transferred to the other
10 court for service. 8/5

11 (o) The judge of a county court at law shall be paid an
12 annual salary that is at least equal to the amount that is \$1,000
13 less than the total annual salary, including supplements, received
14 by a district judge in the county.

15 (p) A vacancy in the office of judge of a county court at law
16 is filled by appointment by the commissioners court.

17 (q) The judges of the county courts at law may divide each
18 term of court into as many sessions as they consider necessary for
19 the disposition of business and may extend a particular term of
20 court if practicable for the efficient and justiciable disposition
21 of individual proceedings and matters.

22 (r) The official court reporter of a county court at law
23 must be well skilled in the court reporter's profession. The
24 official court reporter of a county court at law is a sworn officer
25 of the court who holds office at the pleasure of the court. The
26 official court reporter of a county court at law is entitled to
27 receive at least the same amount as compensation as the official
28 court reporters in the district courts in the county. The
29 compensation shall be paid in the same manner that the district
30 court reporters are paid.

31 (s) If any cause or proceeding is lodged with the district

Insert (cont)



1 clerk and the district clerk files, docket, or assigns the cause or
2 proceeding in or to a county court at law and the county court at law
3 does not have subject matter jurisdiction over the cause or
4 proceeding, then the filing, docketing, or assignment of the cause
5 or proceeding in or to a county court at law is considered a 5-10
6 clerical error and that clerical error shall be corrected by a
7 judgment or order nunc pro tunc. The cause or proceeding is
8 considered filed, docketed, or assigned to the district court of
9 the local administrative judge in the first instance rather than to
10 a county court at law. The judge of a county court at law who acts
11 in the cause or proceeding is considered assigned to the district
12 court of the local administrative judge for that purpose and has all
13 the powers of the judge of that district court under the assignment.

14 (t) A county court at law judge has jurisdiction to grant an
15 order permitting a marriage ceremony to take place during a 72-hour
16 period immediately following the issuance of a marriage license in
17 Parker County.

18 (u) The judges of the county courts at law have the same
19 judicial immunity as a district judge.

20 (v) In matters of concurrent jurisdiction, a judge of a
21 county court at law and a judge of a district court or another
22 county court at law may transfer cases between the courts in the
23 same manner judges of district courts transfer cases under Section
24 24.303.

25 (w) A judge of a county court at law and a judge of a
26 district court may exchange benches and may sit and act for each
27 other in any matter pending before the court.

28 (x) The judges of the county courts at law may from time to
29 time transfer criminal misdemeanor cases to other county courts at
30 law to equalize the criminal misdemeanor dockets of the county
31 courts at law for the efficient operation of the court system and

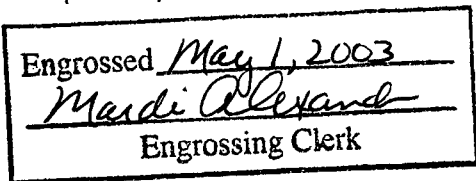
Insert (cont's)

1 the effective administration of justice.

2 ^{Subsection (b),}
(c) [^] Section 25.1863~~(b)~~, Government Code, is amended to read
3 as follows:

4 (b) A county court at law has concurrent jurisdiction with
5 the district court over contested probate matters. Notwithstanding
6 the requirement in Subsection (b), Section 5, Texas Probate Code,
7 that the judge of the constitutional county court transfer a
8 contested probate proceeding to the district court, the judge of
9 the constitutional county court shall transfer the proceeding under
10 that section to either the County Court at Law of Parker County [~~a~~
11 ~~county court at law~~] or the district court. The county court at law
12 has the jurisdiction, powers, and duties that a district court has
13 under Subsection (b), Section 5, Texas Probate Code, for the
14 transferred proceeding, and the county clerk acts as clerk for the
15 proceeding. The contested proceeding may be transferred between
16 the county court at law and the district court as provided by local
17 rules of administration.

18 (d) The County Court at Law No. 2 of Parker County is created
19 and this section takes effect September 1, 2003.



I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

By: Duncan

S.B. No. 1552

A BILL TO BE ENTITLED

AN ACT

relating to the creation and composition of certain county courts
at law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Subsection (a), Section 25.0451,
Government Code, is amended to read as follows:

(a) Collin County has the following statutory county
courts:

- (1) County Court at Law No. 1 of Collin County;
- (2) County Court at Law No. 2 of Collin County;
- (3) County Court at Law No. 3 of Collin County;
- (4) County Court at Law No. 4 of Collin County; ~~and~~
- (5) County Court at Law No. 5 of Collin County; and
- (6) County Court at Law No. 6 of Collin County.

(b) The County Court at Law No. 6 of Collin County is created
and this section takes effect January 1, 2005.

SECTION 2. (a) Section 25.0481, Government Code, is
amended to read as follows:

Sec. 25.0481. COMAL COUNTY. Comal County has the following
~~[one]~~ statutory county courts:

- (1) ~~[court, the]~~ County Court at Law No. 1 of Comal
County; and
- (2) County Court at Law No. 2 of Comal County.

(b) The County Court at Law No. 2 of Comal County is created

and this section takes effect September 1, 2003.

SECTION 3. (a) Section 25.1091, Government Code, is amended to read as follows:

Sec. 25.1091. HENDERSON COUNTY. Henderson County has the following ~~[one]~~ statutory county courts:

(1) ~~[court,~~ the County Court at Law of Henderson County; and

(2) the County Court at Law No. 2 of Henderson County.

(b) Subsections (a) and (c), Section 152.1131, Human Resources Code, are amended to read as follows:

(a) The juvenile board of Henderson County is composed of:

(1) the county judge;

(2) the judges of the 3rd, 173rd, and 392nd judicial districts;

(3) the judges ~~[judge]~~ of the county courts ~~[court]~~ at law; and

(4) the county attorney.

(c) The commissioners court shall pay the 173rd and 392nd district judges and the county court at law judges ~~[judge]~~ an amount set by the commissioners court at not less than \$750 a month and shall pay the 3rd district judge an amount set by the commissioners court at not less than one-third of the amount paid to the 173rd or 392nd district judge or the county court at law judges ~~[judge]~~. The commissioners court shall pay the other juvenile board members an amount set by the commissioners court at not less than \$250 a month. The compensation is in addition to other compensation provided or allowed by law.

(c) Notwithstanding Section 25.1091, Government Code, as amended by this section, the County Court at Law No. 2 of Henderson County is created December 1, 2007, or on an earlier date determined by the commissioners court by an order entered in its minutes.

SECTION 4. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.2011 and 25.2012 to read as follows:

Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has one statutory county court, the County Court at Law of Rockwall County.

Sec. 25.2012. ROCKWALL COUNTY COURT AT LAW PROVISIONS.

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Rockwall County has, concurrent with the district court, the jurisdiction provided by the constitution and general law for district courts.

(b) A county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of:

- (1) felony cases involving capital murder;
- (2) suits on behalf of the state to recover penalties or escheated property;
- (3) misdemeanors involving official misconduct; or
- (4) contested elections.

(c) The district clerk serves as clerk of a county court at law except that the county clerk serves as clerk of the county court at law in matters of mental health, the probate and criminal misdemeanor docket, and all civil matters in which the county court

1 at law does not have concurrent jurisdiction with the district
2 court.

3 (d) Jurors regularly impaneled for the week by the district
4 courts may, at the request of the judge of a county court at law, be
5 made available by the district judge in the numbers requested and
6 shall serve for the week or until released in the county court at
7 law.

8 (e) A county court at law may summon jurors through the
9 county clerk for service in the county court at law in the manner
10 provided by the laws governing the drawing, selection, and service
11 of jurors for county courts. Jurors summoned shall be paid in the
12 same manner and at the same rate as jurors for district courts in
13 Rockwall County. By order of the judge of a county court at law,
14 jurors summoned to the county court at law may be transferred to the
15 district court for service in noncapital felony cases.

16 (f) Notwithstanding Sections 74.091 and 74.0911, a district
17 judge serves as the local administrative judge for the district and
18 statutory county courts in Rockwall County. The judges of district
19 courts shall elect a district judge as local administrative judge
20 for a term of not more than two years. The local administrative
21 judge may not be elected on the basis of rotation or seniority.

22 (g) When administering a case for the county court at law,
23 the district clerk shall charge civil fees and court costs as if the
24 case had been filed in the district court. In a case of concurrent
25 jurisdiction, the case shall be assigned to either the district
26 court or the county court at law in accordance with local
27 administrative rules established by the local administrative

1 judge.

2 (h) The judge of the county court at law shall appoint an
3 official court reporter for the court and shall set the official
4 court reporter's annual salary, subject to approval by the county
5 commissioners court. The official court reporter of the county
6 court at law shall take an oath or affirmation as an officer of the
7 court. The official court reporter holds office at the pleasure of
8 the judge of the court and shall be provided a private office in
9 close proximity to the court. The official court reporter is
10 entitled to all rights and benefits afforded all other county
11 employees.

12 (i) With the approval of the county commissioners court and
13 through the county budget process, the judge of the county court at
14 law shall hire a staff. The staff of the judge of the county court
15 at law consists of a court coordinator and a bailiff. Court
16 personnel employed under this subsection are entitled to receive a
17 salary set by the commissioners court and other employment benefits
18 received by county employees.

19 (j) Not later than one year after the date of appointment,
20 the bailiff of a county court at law must obtain a peace officer
21 license under Chapter 1701, Occupations Code, from the Commission
22 on Law Enforcement Officer Standards and Education. The sheriff of
23 Rockwall County shall deputize the bailiff of a county court at law.
24 The bailiff of a county court at law is subject to the training and
25 continuing education requirements of a sheriff's deputy of the
26 county. The sheriff shall remove from office a bailiff who does not
27 receive a peace officer license within one year of appointment as

1 required by this subsection.

2 (k) The judge of a county court at law must be a United
3 States citizen at the time of appointment or election.

4 (l) The judge of a county court at law shall diligently
5 discharge the duties of the office on a full-time basis and may not
6 engage in the private practice of law.

7 (m) In matters of concurrent jurisdiction, the judge of a
8 county court at law and the district judge may exchange benches,
9 transfer cases subject to acceptance, assign each other to hear
10 cases, and otherwise manage their respective dockets under local
11 administrative rules.

12 (n) The judge of a county court at law has the same judicial
13 immunity as a district judge.

14 (b) The County Court at Law of Rockwall County is created
15 and this section takes effect September 1, 2003.

16 SECTION 5. (a) Subsection (a), Section 25.1861,
17 Government Code, is amended to read as follows:

18 (a) Parker County has the following ~~[one]~~ statutory county
19 courts:

20 (1) [court], the County Court at Law of Parker County;
21 and

22 (2) the County Court at Law No. 2 of Parker County.

23 (b) Section 25.1862, Government Code, is amended by
24 amending Subsections (a), (b), (d), (e), (f), (i), (k), and (m) and
25 adding Subsections (c) and (n) through (x) to read as follows:

26 (a) In addition to the jurisdiction provided by Section
27 25.0003 and other law, and except as limited by Subsection (b), a

1 county court at law in Parker County has the ~~[concurrent]~~
2 jurisdiction provided by the constitution and by general law for
3 ~~[with the]~~ district courts ~~[court in]~~.

4 ~~[(1) civil cases in which the matter in controversy~~
5 ~~exceeds \$500 but does not exceed \$500,000, excluding interest,~~
6 ~~statutory or punitive damages and penalties, and attorney's fees~~
7 ~~and costs, as alleged on the face of the petition, and~~

8 ~~[(2) family law cases and proceedings].~~

9 (b) A ~~[This section does not affect the right to appeal to a]~~
10 county court at law does not have jurisdiction of felony cases,
11 except as otherwise provided ~~[from the justice courts in cases in~~
12 ~~which the right of appeal to the county court exists]~~ by law.

13 (c) A county court at law does not have general supervisory
14 control over the commissioners court.

15 (d) A ~~[The judge of a]~~ county court at law may not issue
16 writs of habeas corpus in felony cases ~~[engage in the private~~
17 ~~practice of law].~~

18 (e) The district clerk serves as clerk of a county court at
19 law in cases in the concurrent jurisdiction of the county courts at
20 law and the district courts, and the county clerk serves as the
21 clerk in all other cases. The district clerk shall establish a
22 separate docket for each ~~[judge of a]~~ county court at law ~~[shall be~~
23 ~~paid an annual salary of at least \$40,000].~~

24 (f) A special judge of a county court at law ~~[If the regular~~
25 ~~judge of a county court at law is absent, disabled, or disqualified~~
26 ~~from presiding, a special judge with the same qualifications as the~~
27 ~~regular judge]~~ may be appointed or elected in the manner provided by

1 law for the appointment or election of a special county judge.

2 (i) The district attorney or county attorney and the county
3 sheriff, in person or by deputy, shall attend a county court at law
4 as required by the judge.

5 (k) If a jury trial is requested in a case that is in a
6 county court at law's jurisdiction as provided by Subsection (a),
7 the jury shall be composed of six members unless the constitution
8 requires a 12-member jury. Failure to object before a six-member
9 jury is seated and sworn constitutes a waiver of a 12-member jury.

10 ~~[With the approval of the commissioners court, the judge of a county~~
11 ~~court at law may appoint personnel necessary to administer court~~
12 ~~activities. The appointed personnel shall perform the duties~~
13 ~~prescribed by the judge and shall cooperate with state agencies for~~
14 ~~the uniform and efficient operation of the courts and the~~
15 ~~administration of justice. The personnel are entitled to be paid~~
16 ~~from county funds the compensation, fees, and allowances that are~~
17 ~~set by the commissioners court or as otherwise provided by law.]~~

18 (m) On request of a county court at law judge, jurors
19 regularly impaneled for a week by the district courts may be made
20 available and shall serve for the week in the county court at law
21 ~~[Sections 25.0005(b), 25.0006, and 25.0008 do not apply to a county~~
22 ~~court at law in Parker County].~~

23 (n) A county court at law of Parker County may summon jurors
24 for service in the court in the manner provided by law for county
25 courts. Juries summoned for the County Court of Parker County or a
26 county court at law of Parker County may, by order of the judge of
27 the court in which they are summoned, be transferred to the other

1 court for service.

2 (o) The judge of a county court at law shall be paid an
3 annual salary that is at least equal to the amount that is \$1,000
4 less than the total annual salary, including supplements, received
5 by a district judge in the county.

6 (p) A vacancy in the office of judge of a county court at law
7 is filled by appointment by the commissioners court.

8 (q) The judges of the county courts at law may divide each
9 term of court into as many sessions as they consider necessary for
10 the disposition of business and may extend a particular term of
11 court if practicable for the efficient and justiciable disposition
12 of individual proceedings and matters.

13 (r) The official court reporter of a county court at law
14 must be well skilled in the court reporter's profession. The
15 official court reporter of a county court at law is a sworn officer
16 of the court who holds office at the pleasure of the court. The
17 official court reporter of a county court at law is entitled to
18 receive at least the same amount as compensation as the official
19 court reporters in the district courts in the county. The
20 compensation shall be paid in the same manner that the district
21 court reporters are paid.

22 (s) If any cause or proceeding is lodged with the district
23 clerk and the district clerk files, docket, or assigns the cause or
24 proceeding in or to a county court at law and the county court at law
25 does not have subject matter jurisdiction over the cause or
26 proceeding, then the filing, docketing, or assignment of the cause
27 or proceeding in or to a county court at law is considered a

clerical error and that clerical error shall be corrected by a judgment or order nunc pro tunc. The cause or proceeding is considered filed, docketed, or assigned to the district court of the local administrative judge in the first instance rather than to a county court at law. The judge of a county court at law who acts in the cause or proceeding is considered assigned to the district court of the local administrative judge for that purpose and has all the powers of the judge of that district court under the assignment.

(t) A county court at law judge has jurisdiction to grant an order permitting a marriage ceremony to take place during a 72-hour period immediately following the issuance of a marriage license in Parker County.

(u) The judges of the county courts at law have the same judicial immunity as a district judge.

(v) In matters of concurrent jurisdiction, a judge of a county court at law and a judge of a district court or another county court at law may transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.303.

(w) A judge of a county court at law and a judge of a district court may exchange benches and may sit and act for each other in any matter pending before the court.

(x) The judges of the county courts at law may from time to time transfer criminal misdemeanor cases to other county courts at law to equalize the criminal misdemeanor dockets of the county courts at law for the efficient operation of the court system and the effective administration of justice.

1 (c) Subsection (b), Section 25.1863, Government Code, is
2 amended to read as follows:

3 (b) A county court at law has concurrent jurisdiction with
4 the district court over contested probate matters. Notwithstanding
5 the requirement in Subsection (b), Section 5, Texas Probate Code,
6 that the judge of the constitutional county court transfer a
7 contested probate proceeding to the district court, the judge of
8 the constitutional county court shall transfer the proceeding under
9 that section to either the County Court at Law of Parker County [~~a~~
10 ~~county court at law~~] or the district court. The county court at law
11 has the jurisdiction, powers, and duties that a district court has
12 under Subsection (b), Section 5, Texas Probate Code, for the
13 transferred proceeding, and the county clerk acts as clerk for the
14 proceeding. The contested proceeding may be transferred between
15 the county court at law and the district court as provided by local
16 rules of administration.

17 (d) The County Court at Law No. 2 of Parker County is created
18 and this section takes effect September 1, 2003.

19 SECTION 6. Except as otherwise provided by this Act, this
20 Act takes effect September 1, 2003.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 23, 2003

TO: Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of county courts at law.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552, Committee Report 1st House, Substituted: a negative impact of (\$13,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$13,750)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$13,750)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would also amend Government Code, Chapter 25 to create an additional county court at law in Comal County, the County Court at Law No. 2.

The bill would amend the Government Code, Chapter 25 to create an additional county court at law in Henderson County. Under the bill, the County Court at Law No. 2 in Henderson County would be created December 1, 2007 or on an earlier date determined by the commissioner's court.

The bill would also create a county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, these two courts would be created on September 1, 2003.

The bill would take effect September 1, 2003.

Methodology

Since Collin, Comal, and Henderson counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law, once those courts are established. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12. This estimate assumes the Henderson County Court at Law is established on December 1, 2007 and the salary supplement has been prorated for 9 months in fiscal year 2008.

Local Government Impact

The auditors in Collin, Comal, Henderson, and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$ -	\$ 455,241	\$ 586,694	\$ 586,694	\$ 586,694
Comal	\$ 337,727	\$ 286,920	\$ 295,522	\$ 304,555	\$ 314,039
Henderson	\$ 104,740	\$ 174,875	\$ 248,375	\$ 264,447	\$ 282,151
Rockwall	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts
LBB Staff: JK, GO, VDS, TB, KG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 9, 2003

TO: Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of county courts at law.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552, As Introduced: a negative impact of (\$13,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$10,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$10,000)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would also amend Government Code, Chapter 25 to create an additional county court at law in Comal County, the County Court at Law No. 2. The bill would also create a county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, these two courts would be created on September 1, 2003. The bill would take effect September 1, 2003.

Methodology

Since Collin and Comal counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12.

Local Government Impact

The auditors in Collin, Comal, and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$0	(\$455,241)	(\$586,694)	(\$586,694)	(\$586,694)
Comal	(\$337,727)	(\$286,920)	(\$295,522)	(\$304,555)	(\$314,039)
Rockwall	(\$425,000)	(\$425,000)	(\$425,000)	(\$425,000)	(\$425,000)

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JK, GO, VDS, TB, KG

HOUSE COMMITTEE REPORT

03 MAY 13 AM 9:21
HOUSE OF REPRESENTATIVES

1st Printing

By: Duncan
(Hartnett)

S.B. No. 1552

Substitute the following for S.B. No. 1552:

By: Alonzo

C.S.S.B. No. 1552

A BILL TO BE ENTITLED

AN ACT

relating to the creation and composition of certain county courts
at law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Subsection (a), Section 25.0451,
Government Code, is amended to read as follows:

(a) Collin County has the following statutory county
courts:

(1) County Court at Law No. 1 of Collin County;

(2) County Court at Law No. 2 of Collin County;

(3) County Court at Law No. 3 of Collin County;

(4) County Court at Law No. 4 of Collin County; ~~and~~

(5) County Court at Law No. 5 of Collin County; and

(6) County Court at Law No. 6 of Collin County.

(b) The County Court at Law No. 6 of Collin County is created
and this section takes effect January 1, 2005.

SECTION 2. (a) Section 25.0481, Government Code, is
amended to read as follows:

Sec. 25.0481. COMAL COUNTY. Comal County has the following
~~[one]~~ statutory county courts:

(1) ~~[court, the]~~ County Court at Law No. 1 of Comal
County; and

(2) County Court at Law No. 2 of Comal County.

(b) The County Court at Law No. 2 of Comal County is created

and this section takes effect September 1, 2003.

SECTION 3. (a) Section 25.1091, Government Code, is amended to read as follows:

Sec. 25.1091. HENDERSON COUNTY. Henderson County has the following ~~[one]~~ statutory county courts:

(1) ~~[court]~~ the County Court at Law of Henderson County; and

(2) the County Court at Law No. 2 of Henderson County.

(b) Subsections (a) and (c), Section 152.1131, Human Resources Code, are amended to read as follows:

(a) The juvenile board of Henderson County is composed of:

(1) the county judge;

(2) the judges of the 3rd, 173rd, and 392nd judicial districts;

(3) the judges ~~[judge]~~ of the county courts ~~[court]~~ at law; and

(4) the county attorney.

(c) The commissioners court shall pay the 173rd and 392nd district judges and the county court at law judges ~~[judge]~~ an amount set by the commissioners court at not less than \$750 a month and shall pay the 3rd district judge an amount set by the commissioners court at not less than one-third of the amount paid to the 173rd or 392nd district judge or the county court at law judges ~~[judge]~~. The commissioners court shall pay the other juvenile board members an amount set by the commissioners court at not less than \$250 a month. The compensation is in addition to other compensation provided or allowed by law.

1 (c) Notwithstanding Section 25.1091, Government Code, as
2 amended by this section, the County Court at Law No. 2 of Henderson
3 County is created December 1, 2007, or on an earlier date determined
4 by the commissioners court by an order entered in its minutes.

5 SECTION 4. (a) Section 25.1831, Government Code, is
6 amended to read as follows:

7 Sec. 25.1831. ORANGE COUNTY. (a) Orange County has the
8 following [one] statutory county courts:

9 (1) [court,] the County Court at Law of Orange County;
10 and

11 (2) the County Court at Law No. 2 of Orange County.

12 (b) A county court at law in [The County Court at Law of]
13 Orange County sits at the county seat.

14 (b) Section 25.1832(i), Government Code, is amended to read
15 as follows:

16 (i) Except as otherwise required by law, a jury in a county
17 court at law is [Juries in all matters civil or criminal shall be
18 composed of 12 members, except that in misdemeanor criminal cases
19 and cases of concurrent jurisdiction with the county court, the
20 juries shall be] composed of six members.

21 (c) The change in law made by Subsection (a) of this section
22 applies only to a proceeding commenced on or after the effective
23 date of this section. A proceeding commenced before the effective
24 date of this section is governed by the law in effect on the date the
25 proceeding was commenced, and the former law is continued in effect
26 for that purpose.

27 (d) The County Court at Law No. 2 of Orange County is created

1 and this section takes effect September 1, 2003.

2 SECTION 5. (a) Subchapter C, Chapter 25, Government Code,
3 is amended by adding Sections 25.2011 and 25.2012 to read as
4 follows:

5 Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has one
6 statutory county court, the County Court at Law of Rockwall County.

7 Sec. 25.2012. ROCKWALL COUNTY COURT AT LAW PROVISIONS.

8 (a) In addition to the jurisdiction provided by Section 25.0003
9 and other law, and except as limited by Subsection (b), a county
10 court at law in Rockwall County has, concurrent with the district
11 court, the jurisdiction provided by the constitution and general
12 law for district courts.

13 (b) A county court at law does not have general supervisory
14 control or appellate review of the commissioners court or
15 jurisdiction of:

- 16 (1) felony cases involving capital murder;
17 (2) suits on behalf of the state to recover penalties
18 or escheated property;
19 (3) misdemeanors involving official misconduct; or
20 (4) contested elections.

21 (c) The district clerk serves as clerk of a county court at
22 law except that the county clerk serves as clerk of the county court
23 at law in matters of mental health, the probate and criminal
24 misdemeanor docket, and all civil matters in which the county court
25 at law does not have concurrent jurisdiction with the district
26 court.

27 (d) Jurors regularly impaneled for the week by the district

1 courts may, at the request of the judge of a county court at law, be
2 made available by the district judge in the numbers requested and
3 shall serve for the week or until released in the county court at
4 law.

5 (e) A county court at law may summon jurors through the
6 county clerk for service in the county court at law in the manner
7 provided by the laws governing the drawing, selection, and service
8 of jurors for county courts. Jurors summoned shall be paid in the
9 same manner and at the same rate as jurors for district courts in
10 Rockwall County. By order of the judge of a county court at law,
11 jurors summoned to the county court at law may be transferred to the
12 district court for service in noncapital felony cases.

13 (f) Notwithstanding Sections 74.091 and 74.0911, a district
14 judge serves as the local administrative judge for the district and
15 statutory county courts in Rockwall County. The judges of district
16 courts shall elect a district judge as local administrative judge
17 for a term of not more than two years. The local administrative
18 judge may not be elected on the basis of rotation or seniority.

19 (g) When administering a case for the county court at law,
20 the district clerk shall charge civil fees and court costs as if the
21 case had been filed in the district court. In a case of concurrent
22 jurisdiction, the case shall be assigned to either the district
23 court or the county court at law in accordance with local
24 administrative rules established by the local administrative
25 judge.

26 (h) The judge of the county court at law shall appoint an
27 official court reporter for the court and shall set the official

1 court reporter's annual salary, subject to approval by the county
2 commissioners court. The official court reporter of the county
3 court at law shall take an oath or affirmation as an officer of the
4 court. The official court reporter holds office at the pleasure of
5 the judge of the court and shall be provided a private office in
6 close proximity to the court. The official court reporter is
7 entitled to all rights and benefits afforded all other county
8 employees.

9 (i) With the approval of the county commissioners court and
10 through the county budget process, the judge of the county court at
11 law shall hire a staff. The staff of the judge of the county court
12 at law consists of a court coordinator and a bailiff. Court
13 personnel employed under this subsection are entitled to receive a
14 salary set by the commissioners court and other employment benefits
15 received by county employees.

16 (j) Not later than one year after the date of appointment,
17 the bailiff of a county court at law must obtain a peace officer
18 license under Chapter 1701, Occupations Code, from the Commission
19 on Law Enforcement Officer Standards and Education. The sheriff of
20 Rockwall County shall deputize the bailiff of a county court at law.
21 The bailiff of a county court at law is subject to the training and
22 continuing education requirements of a sheriff's deputy of the
23 county. The sheriff shall remove from office a bailiff who does not
24 receive a peace officer license within one year of appointment as
25 required by this subsection.

26 (k) The judge of a county court at law must be a United
27 States citizen at the time of appointment or election.

1 (l) The judge of a county court at law shall diligently
2 discharge the duties of the office on a full-time basis and may not
3 engage in the private practice of law.

4 (m) In matters of concurrent jurisdiction, the judge of a
5 county court at law and the district judge may exchange benches,
6 transfer cases subject to acceptance, assign each other to hear
7 cases, and otherwise manage their respective dockets under local
8 administrative rules.

9 (n) The judge of a county court at law has the same judicial
10 immunity as a district judge.

11 (b) The County Court at Law of Rockwall County is created
12 and this section takes effect September 1, 2003.

13 SECTION 6. (a) Subsection (a), Section 25.1861,
14 Government Code, is amended to read as follows:

15 (a) Parker County has the following ~~[one]~~ statutory county
16 courts:

17 (1) [court,] the County Court at Law of Parker County;
18 and

19 (2) the County Court at Law No. 2 of Parker County.

20 (b) Section 25.1862, Government Code, is amended by
21 amending Subsections (a), (b), (d), (e), (f), (i), (k), and (m) and
22 adding Subsections (c) and (n) through (x) to read as follows:

23 (a) In addition to the jurisdiction provided by Section
24 25.0003 and other law, and except as limited by Subsection (b), a
25 county court at law in Parker County has the [concurrent]
26 jurisdiction provided by the constitution and by general law for
27 [with the] district courts [court in]

1 ~~[(1) civil cases in which the matter in controversy~~
2 ~~exceeds \$500 but does not exceed \$500,000, excluding interest,~~
3 ~~statutory or punitive damages and penalties, and attorney's fees~~
4 ~~and costs, as alleged on the face of the petition, and~~

5 ~~[(2) family law cases and proceedings].~~

6 (b) A ~~[This section does not affect the right to appeal to a]~~
7 county court at law does not have jurisdiction of felony cases,
8 except as otherwise provided ~~[from the justice courts in cases in~~
9 ~~which the right of appeal to the county court exists]~~ by law.

10 (c) A county court at law does not have general supervisory
11 control over the commissioners court.

12 (d) A ~~[The judge of a]~~ county court at law may not issue
13 writs of habeas corpus in felony cases ~~[engage in the private~~
14 ~~practice of law].~~

15 (e) The district clerk serves as clerk of a county court at
16 law in cases in the concurrent jurisdiction of the county courts at
17 law and the district courts, and the county clerk serves as the
18 clerk in all other cases. The district clerk shall establish a
19 separate docket for each ~~[judge of a]~~ county court at law ~~[shall be~~
20 ~~paid an annual salary of at least \$40,000].~~

21 (f) A special judge of a county court at law ~~[If the regular~~
22 ~~judge of a county court at law is absent, disabled, or disqualified~~
23 ~~from presiding, a special judge with the same qualifications as the~~
24 ~~regular judge]~~ may be appointed or elected in the manner provided by
25 law for the appointment or election of a special county judge.

26 (i) The district attorney or county attorney and the county
27 sheriff, in person or by deputy, shall attend a county court at law

1 as required by the judge.

2 (k) If a jury trial is requested in a case that is in a
3 county court at law's jurisdiction as provided by Subsection (a),
4 the jury shall be composed of six members unless the constitution
5 requires a 12-member jury. Failure to object before a six-member
6 jury is seated and sworn constitutes a waiver of a 12-member jury.
7 ~~[With the approval of the commissioners court, the judge of a county~~
8 ~~court at law may appoint personnel necessary to administer court~~
9 ~~activities. The appointed personnel shall perform the duties~~
10 ~~prescribed by the judge and shall cooperate with state agencies for~~
11 ~~the uniform and efficient operation of the courts and the~~
12 ~~administration of justice. The personnel are entitled to be paid~~
13 ~~from county funds the compensation, fees, and allowances that are~~
14 ~~set by the commissioners court or as otherwise provided by law.]~~

15 (m) On request of a county court at law judge, jurors
16 regularly impaneled for a week by the district courts may be made
17 available and shall serve for the week in the county court at law
18 ~~[Sections 25.0005(b), 25.0006, and 25.0008 do not apply to a county~~
19 ~~court at law in Parker County].~~

20 (n) A county court at law of Parker County may summon jurors
21 for service in the court in the manner provided by law for county
22 courts. Juries summoned for the County Court of Parker County or a
23 county court at law of Parker County may, by order of the judge of
24 the court in which they are summoned, be transferred to the other
25 court for service.

26 (o) The judge of a county court at law shall be paid an
27 annual salary that is at least equal to the amount that is \$1,000

1 less than the total annual salary, including supplements, received
2 by a district judge in the county.

3 (p) A vacancy in the office of judge of a county court at law
4 is filled by appointment by the commissioners court.

5 (q) The judges of the county courts at law may divide each
6 term of court into as many sessions as they consider necessary for
7 the disposition of business and may extend a particular term of
8 court if practicable for the efficient and justiciable disposition
9 of individual proceedings and matters.

10 (r) The official court reporter of a county court at law
11 must be well skilled in the court reporter's profession. The
12 official court reporter of a county court at law is a sworn officer
13 of the court who holds office at the pleasure of the court. The
14 official court reporter of a county court at law is entitled to
15 receive at least the same amount as compensation as the official
16 court reporters in the district courts in the county. The
17 compensation shall be paid in the same manner that the district
18 court reporters are paid.

19 (s) If any cause or proceeding is lodged with the district
20 clerk and the district clerk files, docket, or assigns the cause or
21 proceeding in or to a county court at law and the county court at law
22 does not have subject matter jurisdiction over the cause or
23 proceeding, then the filing, docketing, or assignment of the cause
24 or proceeding in or to a county court at law is considered a
25 clerical error and that clerical error shall be corrected by a
26 judgment or order nunc pro tunc. The cause or proceeding is
27 considered filed, docketed, or assigned to the district court of

1 the local administrative judge in the first instance rather than to
2 a county court at law. The judge of a county court at law who acts
3 in the cause or proceeding is considered assigned to the district
4 court of the local administrative judge for that purpose and has all
5 the powers of the judge of that district court under the assignment.

6 (t) A county court at law judge has jurisdiction to grant an
7 order permitting a marriage ceremony to take place during a 72-hour
8 period immediately following the issuance of a marriage license in
9 Parker County.

10 (u) The judges of the county courts at law have the same
11 judicial immunity as a district judge.

12 (v) In matters of concurrent jurisdiction, a judge of a
13 county court at law and a judge of a district court or another
14 county court at law may transfer cases between the courts in the
15 same manner judges of district courts transfer cases under Section
16 24.303.

17 (w) A judge of a county court at law and a judge of a
18 district court may exchange benches and may sit and act for each
19 other in any matter pending before the court.

20 (x) The judges of the county courts at law may from time to
21 time transfer criminal misdemeanor cases to other county courts at
22 law to equalize the criminal misdemeanor dockets of the county
23 courts at law for the efficient operation of the court system and
24 the effective administration of justice.

25 (c) Subsection (b), Section 25.1863, Government Code, is
26 amended to read as follows:

27 (b) A county court at law has concurrent jurisdiction with

1 the district court over contested probate matters. Notwithstanding
2 the requirement in Subsection (b), Section 5, Texas Probate Code,
3 that the judge of the constitutional county court transfer a
4 contested probate proceeding to the district court, the judge of
5 the constitutional county court shall transfer the proceeding under
6 that section to either the County Court at Law of Parker County [~~a~~
7 ~~county court at law~~] or the district court. The county court at law
8 has the jurisdiction, powers, and duties that a district court has
9 under Subsection (b), Section 5, Texas Probate Code, for the
10 transferred proceeding, and the county clerk acts as clerk for the
11 proceeding. The contested proceeding may be transferred between
12 the county court at law and the district court as provided by local
13 rules of administration.

14 (d) The County Court at Law No. 2 of Parker County is created
15 and this section takes effect September 1, 2003.

16 SECTION 7. Except as otherwise provided by this Act, this
17 Act takes effect September 1, 2003.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

5-10-03
(date)

Sir:

We, your COMMITTEE ON JUDICIAL AFFAIRS
to whom was referred SB 1552 have had the same under consideration and beg to report
back with the recommendation that it

() do pass, without amendment.
() do pass, with amendment(s).
(☒) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
(☒) yes () no A fiscal note was requested.
() yes (☒) no A criminal justice policy impact statement was requested.
() yes (☒) no An equalized educational funding impact statement was requested.
() yes (☒) no An actuarial analysis was requested.
() yes (☒) no A water development policy impact statement was requested.
() yes (☒) no A tax equity note was requested.
(☒) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Hartnett

Joint Sponsors: / / /

Co-Sponsors:

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hartnett, Chair	<input checked="" type="checkbox"/>			
Smith, T., Vice-chair				<input checked="" type="checkbox"/>
Alonzo	<input checked="" type="checkbox"/>			
Corte				<input checked="" type="checkbox"/>
Hughes				<input checked="" type="checkbox"/>
Rodriguez	<input checked="" type="checkbox"/>			
Solis	<input checked="" type="checkbox"/>			
Telford	<input checked="" type="checkbox"/>			
Wilson	<input checked="" type="checkbox"/>			

Total 6 aye
 0 nay
 0 present, not voting
 3 absent

Will Hartnett
CHAIR

BILL ANALYSIS

C.S.S.B. 1552
By: Duncan
Judicial Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Population and caseload growth necessitates the creation of additional county courts at law in Collin, Comal, Henderson, Orange, Parker, and Rockwall counties. C.S.S.B. 1552 creates a new county court at law in each of these counties and makes certain changes in jurisdiction, procedure, and number of jurors required in certain circumstances in particular counties.

The House Committee on Judicial Affairs has previously approved each of these as separate bills (H.B. 357, 871, 3553, 3557, 3600 and 738 respectively). C.S.S.B. 1552 combines these into one bill.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1552 amends the Government Code to create an additional county court at law in Collin County. This new court is not created until January 1, 2005.

The bill amends the Government Code to create an additional county court at law in Comal County.

The bill amends the Government Code to create a second county court at law in Henderson County. This County Court at Law No. 2 is created December 1, 2007, or on an earlier date determined by the commissioners court. The bill also amends the Human Resources Code to add the new county court at law judge to the juvenile board of Henderson County.

The bill amends the Government Code to create a second county court at law for Orange County. The bill also specifies that except as otherwise required by law, a jury in a county court at law in Orange County is composed of six members.

The bill amends the Government Code to create a second County Court at Law in Parker County. This bill also gives the county courts at law in Parker County the general jurisdiction of the district courts, but provides that the county courts at law do not, with certain exceptions, have general jurisdiction over felony cases nor do they have general supervisory authority over the commissioners' court. A county court at law also may not issue writs of habeas corpus in felony cases.

The bill also details the procedures of the county courts at law in Parker County in addition to specifying their powers and duties. The bill also details personnel procedures including both the district clerk and the court reporter as well as establishes the level of pay for county court at law judges. In addition, the bill sets forth certain procedures regarding juries in the county courts at law, and specifies that a jury shall be composed of six members unless the constitution requires a 12 member jury. Failure to object before a six member jury is seated and sworn constitutes a waiver of the 12 member jury.

The bill also provides for certain procedures in the conduct of proceedings in the county courts at law and the exchange of benches and transfer of cases between the county courts at law and the district court in Parker County. The bill also specifies certain provisions regarding the issuance of

a marriage license in Parker County as well as provides for the immunity of the judges of the county courts at law.

The bill amends the Government Code to create a statutory county court at law in Rockwall County. The bill also sets forth provisions relating to the jurisdiction of this court, jurors in this court, and the respective duties of the district clerk and the county clerk. The bill also sets forth provisions regarding the appointment of an administrative judge, the administration of cases when the county court at law and the district court have concurrent jurisdiction, and the appointment of an official court reporter.

The bill sets forth provisions for the hiring and payment of court staff, as well as the qualifications of a court bailiff in Rockwall County. The bill also requires that the judge of the county court at law must be a citizen of the United States, that he or she may not engage in the private practice of law, that he or she has the same judicial immunity as a district judge, and that in matters of concurrent jurisdiction, the judge of the county court at law and the district judge may exchange benches, transfer cases subject to acceptance, assign each other to hear cases, and otherwise manage their respective dockets under local administrative rules.

EFFECTIVE DATE

The sections relating to the county courts at law for Comal, Orange, Parker and Rockwall counties are effective September 1, 2003.

The section relating to Collin County is effective January 1, 2005.

The section relating to Henderson County is effective September 1, 2003, and the County Court at Law No. 2 of Henderson County is created December 1, 2007 or on an earlier date determined by the commissioners court by an order entered in its minutes.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds the provisions for Orange County.

SUMMARY OF COMMITTEE ACTION

SB 1552

May 10, 2003	Adjournment of Leg. Day 66
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Considered in formal meeting
Committee substitute considered in committee
Recommended to be sent to Local & Consent
Reported favorably as substituted

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 12, 2003

TO: Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of certain county courts at law.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552, Committee Report 2nd House, Substituted: a negative impact of (\$33,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$15,000)
2005	(\$18,333)
2006	(\$20,000)
2007	(\$20,000)
2008	(\$23,750)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1
2004	(\$15,000)
2005	(\$18,333)
2006	(\$20,000)
2007	(\$20,000)
2008	(\$23,750)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Comal County. Under the bill, the County Court at Law No. 2 of Comal County would be created on September 1, 2003.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Henderson County. Under the bill, the County Court at Law No. 2 of Henderson County would be created December 1, 2007 or on an earlier date determined by the commissioner's court.

The bill would amend Government Code, Chapter 25 to created an additional county court at law in Orange County. Under the bill, the County Court at Law No. 2 of Orange County would be created September 1, 2003.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Parker County and would establish certain provisions for Parker County Courts at Law. Under the bill, the County Court at Law No. 2 of Parker County would be created on September 1, 2003.

The bill would amend Government Code, Chapter 25 to create a new county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, the County Court at Law of Rockwall County would be created on September 1, 2003.

The bill would take effect September 1, 2003.

Methodology

Since Collin, Comal, Henderson, Orange, and Parker counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law, once those courts are established. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12. This estimate assumes the Henderson County Court at Law is established on December 1, 2007 and the salary supplement has been prorated for 9 months in fiscal year 2008.

Local Government Impact

The auditors in Collin, Comal, Henderson, Orange, Parker, and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$0	\$455,241	\$586,694	\$586,694	\$586,694
Comal	\$337,727	\$286,920	\$295,522	\$304,555	\$314,039
Henderson	\$104,740	\$174,875	\$248,375	\$264,447	\$282,151
Orange	\$272,645	\$272,645	\$272,645	\$272,645	\$272,645
Parker	\$222,996	\$215,946	\$215,946	\$215,946	\$215,946
Rockwall	\$425,000	\$425,000	\$425,000	\$425,000	\$425,000

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JK, GO, VDS, TB, KG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 9, 2003

TO: Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of certain county courts at law.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552. As Engrossed: a negative impact of (\$23,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$10,000)
2005	(\$13,333)
2006	(\$15,000)
2007	(\$15,000)
2008	(\$18,750)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$10,000)
2005	(\$13,333)
2006	(\$15,000)
2007	(\$15,000)
2008	(\$18,750)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Comal County. Under the bill, the County Court at Law No. 2 of Comal County would be created on September 1, 2003.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Henderson County. Under the bill, the County Court at Law No. 2 of Henderson County would be created December 1, 2007 or on an earlier date determined by the commissioner's court.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Parker County and would establish certain provisions for Parker County Courts at Law. Under the bill, the County Court at Law No. 2 of Parker County would be created on September 1, 2003.

The bill would amend Government Code, Chapter 25 to create a new county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, the County Court at Law of Rockwall County would be created on September 1, 2003.

The bill would take effect September 1, 2003.

Methodology

Since Collin, Comal, Henderson, and Parker counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law, once those courts are established. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12. This estimate assumes the Henderson County Court at Law is established on December 1, 2007 and the salary supplement has been prorated for 9 months in fiscal year 2008.

Local Government Impact

The auditors in Collin, Comal, Henderson, Parker and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$0	\$455,241	\$586,694	\$586,694	\$586,694
Comal	\$337,727	\$286,920	\$295,522	\$304,555	\$314,039
Henderson	\$104,740	\$174,875	\$248,375	\$264,447	\$282,151
Parker	\$222,996	\$215,946	\$215,946	\$215,946	\$215,946
Rockwall	\$425,000	\$425,000	\$425,000	\$425,000	\$425,000

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JK, GO, VDS, TB, KG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 23, 2003

TO: Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of county courts at law.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552. Committee Report 1st House, Substituted: a negative impact of (\$13,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$13,750)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$13,750)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would also amend Government Code, Chapter 25 to create an additional county court at law in Comal County, the County Court at Law No. 2.

The bill would amend the Government Code, Chapter 25 to create an additional county court at law in Henderson County. Under the bill, the County Court at Law No. 2 in Henderson County would be created December 1, 2007 or on an earlier date determined by the commissioner's court.

The bill would also create a county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, these two courts would be created on September 1, 2003.

The bill would take effect September 1, 2003.

Methodology

Since Collin, Comal, and Henderson counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law, once those courts are established. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12. This estimate assumes the Henderson County Court at Law is established on December 1, 2007 and the salary supplement has been prorated for 9 months in fiscal year 2008.

Local Government Impact

The auditors in Collin, Comal, Henderson, and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$ -	\$ 455,241	\$ 586,694	\$ 586,694	\$ 586,694
Comal	\$ 337,727	\$ 286,920	\$ 295,522	\$ 304,555	\$ 314,039
Henderson	\$ 104,740	\$ 174,875	\$ 248,375	\$ 264,447	\$ 282,151
Rockwall	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts
LBB Staff: JK, GO, VDS, TB, KG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 9, 2003

TO: Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of county courts at law.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552. As Introduced: a negative impact of (\$13,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$10,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$10,000)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would also amend Government Code, Chapter 25 to create an additional county court at law in Comal County, the County Court at Law No. 2. The bill would also create a county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, these two courts would be created on September 1, 2003. The bill would take effect September 1, 2003.

Methodology

Since Collin and Comal counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12.

Local Government Impact

The auditors in Collin, Comal, and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$0	(\$455,241)	(\$586,694)	(\$586,694)	(\$586,694)
Comal	(\$337,727)	(\$286,920)	(\$295,522)	(\$304,555)	(\$314,039)
Rockwall	(\$425,000)	(\$425,000)	(\$425,000)	(\$425,000)	(\$425,000)

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JK, GO, VDS, TB, KG

ADOPTED

MAY 23 2003

Robert Hancey
Chief Clerk
House of Representatives

By: Duncan

S.B. No. 1552

Substitute the following for S.B. No. 1552:

By: Alonzo

C.S. S.B. No. 1552

A BILL TO BE ENTITLED

AN ACT

relating to the creation and composition of certain county courts
at law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Subsection (a), Section 25.0451,
Government Code, is amended to read as follows:

(a) Collin County has the following statutory county
courts:

- (1) County Court at Law No. 1 of Collin County;
- (2) County Court at Law No. 2 of Collin County;
- (3) County Court at Law No. 3 of Collin County;
- (4) County Court at Law No. 4 of Collin County; ~~and~~
- (5) County Court at Law No. 5 of Collin County; and
- (6) County Court at Law No. 6 of Collin County.

(b) The County Court at Law No. 6 of Collin County is created
and this section takes effect January 1, 2005.

SECTION 2. (a) Section 25.0481, Government Code, is
amended to read as follows:

Sec. 25.0481. COMAL COUNTY. Comal County has the following
~~[one]~~ statutory county courts:

- (1) ~~[court, the]~~ County Court at Law No. 1 of Comal
County; and
- (2) County Court at Law No. 2 of Comal County.

(b) The County Court at Law No. 2 of Comal County is created 1/2

1 and this section takes effect September 1, 2003.

2 SECTION 3. (a) Section 25.1091, Government Code, is
3 amended to read as follows:

4 Sec. 25.1091. HENDERSON COUNTY. Henderson County has the
5 following ~~[one]~~ statutory county courts:

6 (1) ~~[court,~~ the County Court at Law of Henderson
7 County; and

8 (2) the County Court at Law No. 2 of Henderson County.

9 (b) Subsections (a) and (c), Section 152.1131, Human
10 Resources Code, are amended to read as follows:

11 (a) The juvenile board of Henderson County is composed of:

12 (1) the county judge;

13 (2) the judges of the 3rd, 173rd, and 392nd judicial
14 districts;

15 (3) the judges ~~[judge]~~ of the county courts ~~[court]~~ at
16 law; and

17 (4) the county attorney.

18 (c) The commissioners court shall pay the 173rd and 392nd
19 district judges and the county court at law judges ~~[judge]~~ an amount
20 set by the commissioners court at not less than \$750 a month and
21 shall pay the 3rd district judge an amount set by the commissioners
22 court at not less than one-third of the amount paid to the 173rd or
23 392nd district judge or the county court at law judges ~~[judge]~~. The
24 commissioners court shall pay the other juvenile board members an
25 amount set by the commissioners court at not less than \$250 a month.
26 The compensation is in addition to other compensation provided or
27 allowed by law. /

2/3

1 (c) Notwithstanding Section 25.1091, Government Code, as
2 amended by this section, the County Court at Law No. 2 of Henderson
3 County is created December 1, 2007, or on an earlier date determined
4 by the commissioners court by an order entered in its minutes.

5 SECTION 4. (a) Section 25.1831, Government Code, is
6 amended to read as follows:

7 Sec. 25.1831. ORANGE COUNTY. (a) Orange County has the
8 following [one] statutory county courts:

9 (1) [court,] the County Court at Law of Orange County;
10 and

11 (2) the County Court at Law No. 2 of Orange County.

12 (b) A county court at law in ~~[The County Court at Law of]~~
13 Orange County sits at the county seat.

14 (b) ^{Subsection (i),} Section 25.1832 ~~(i)~~, Government Code, is amended to read
15 as follows:

16 (i) Except as otherwise required by law, a jury in a county
17 court at law is ~~[Juries in all matters civil or criminal shall be~~
18 ~~composed of 12 members, except that in misdemeanor criminal cases~~
19 ~~and cases of concurrent jurisdiction with the county court, the~~
20 ~~juries shall be]~~ composed of six members.

21 (c) The change in law made by Subsection (a) of this section
22 applies only to a proceeding commenced on or after the effective
23 date of this section. A proceeding commenced before the effective
24 date of this section is governed by the law in effect on the date the
25 proceeding was commenced, and the former law is continued in effect
26 for that purpose.

27 (d) The County Court at Law No. 2 of Orange County is created ^{3/4}

1 and this section takes effect September 1, 2003.

2 SECTION 5. (a) Subchapter C, Chapter 25, Government Code,
3 is amended by adding Sections 25.2011 and 25.2012 to read as
4 follows:

5 Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has one
6 statutory county court, the County Court at Law of Rockwall County.

7 Sec. 25.2012. ROCKWALL COUNTY COURT AT LAW PROVISIONS.

8 (a) In addition to the jurisdiction provided by Section 25.0003
9 and other law, and except as limited by Subsection (b), a county
10 court at law in Rockwall County has, concurrent with the district
11 court, the jurisdiction provided by the constitution and general
12 law for district courts.

13 (b) A county court at law does not have general supervisory
14 control or appellate review of the commissioners court or
15 jurisdiction of:

16 (1) felony cases involving capital murder;

17 (2) suits on behalf of the state to recover penalties
18 or escheated property;

19 (3) misdemeanors involving official misconduct; or

20 (4) contested elections.

21 (c) The district clerk serves as clerk of a county court at
22 law except that the county clerk serves as clerk of the county court
23 at law in matters of mental health, the probate and criminal
24 misdemeanor docket, and all civil matters in which the county court
25 at law does not have concurrent jurisdiction with the district
26 court.

27 (d) Jurors regularly impaneled for the week by the district 4/5

1 courts may, at the request of the judge of a county court at law, be
2 made available by the district judge in the numbers requested and
3 shall serve for the week or until released in the county court at
4 law.

5 (e) A county court at law may summon jurors through the
6 county clerk for service in the county court at law in the manner
7 provided by the laws governing the drawing, selection, and service
8 of jurors for county courts. Jurors summoned shall be paid in the
9 same manner and at the same rate as jurors for district courts in
10 Rockwall County. By order of the judge of a county court at law,
11 jurors summoned to the county court at law may be transferred to the
12 district court for service in noncapital felony cases.

13 (f) Notwithstanding Sections 74.091 and 74.0911, a district
14 judge serves as the local administrative judge for the district and
15 statutory county courts in Rockwall County. The judges of district
16 courts shall elect a district judge as local administrative judge
17 for a term of not more than two years. The local administrative
18 judge may not be elected on the basis of rotation or seniority.

19 (g) When administering a case for the county court at law,
20 the district clerk shall charge civil fees and court costs as if the
21 case had been filed in the district court. In a case of concurrent
22 jurisdiction, the case shall be assigned to either the district
23 court or the county court at law in accordance with local
24 administrative rules established by the local administrative
25 judge.

26 (h) The judge of the county court at law shall appoint an
27 official court reporter for the court and shall set the official 76

1 court reporter's annual salary, subject to approval by the county
2 commissioners court. The official court reporter of the county
3 court at law shall take an oath or affirmation as an officer of the
4 court. The official court reporter holds office at the pleasure of
5 the judge of the court and shall be provided a private office in
6 close proximity to the court. The official court reporter is
7 entitled to all rights and benefits afforded all other county
8 employees.

9 (i) With the approval of the county commissioners court and
10 through the county budget process, the judge of the county court at
11 law shall hire a staff. The staff of the judge of the county court
12 at law consists of a court coordinator and a bailiff. Court
13 personnel employed under this subsection are entitled to receive a
14 salary set by the commissioners court and other employment benefits
15 received by county employees.

16 (j) Not later than one year after the date of appointment,
17 the bailiff of a county court at law must obtain a peace officer
18 license under Chapter 1701, Occupations Code, from the Commission
19 on Law Enforcement Officer Standards and Education. The sheriff of
20 Rockwall County shall deputize the bailiff of a county court at law.
21 The bailiff of a county court at law is subject to the training and
22 continuing education requirements of a sheriff's deputy of the
23 county. The sheriff shall remove from office a bailiff who does not
24 receive a peace officer license within one year of appointment as
25 required by this subsection.

26 (k) The judge of a county court at law must be a United
27 States citizen at the time of appointment or election. / 67

1 (l) The judge of a county court at law shall diligently
2 discharge the duties of the office on a full-time basis and may not
3 engage in the private practice of law.

4 (m) In matters of concurrent jurisdiction, the judge of a
5 county court at law and the district judge may exchange benches,
6 transfer cases subject to acceptance, assign each other to hear
7 cases, and otherwise manage their respective dockets under local
8 administrative rules.

9 (n) The judge of a county court at law has the same judicial
10 immunity as a district judge.

11 (b) The County Court at Law of Rockwall County is created
12 and this section takes effect September 1, 2003.

13 SECTION 6. (a) Subsection (a), Section 25.1861,
14 Government Code, is amended to read as follows:

15 (a) Parker County has the following ~~[one]~~ statutory county
16 courts:

17 (1) [court,] the County Court at Law of Parker County;
18 and

19 (2) the County Court at Law No. 2 of Parker County.

20 (b) Section 25.1862, Government Code, is amended by
21 amending Subsections (a), (b), (d), (e), (f), (i), (k), and (m) and
22 adding Subsections (c) and (n) through (x) to read as follows:

23 (a) In addition to the jurisdiction provided by Section
24 25.0003 and other law, and except as limited by Subsection (b), a
25 county court at law in Parker County has the [concurrent]
26 jurisdiction provided by the constitution and by general law for
27 [with the] district courts [court in.] /

1 ~~[(1) civil cases in which the matter in controversy~~
2 ~~exceeds \$500 but does not exceed \$500,000, excluding interest,~~
3 ~~statutory or punitive damages and penalties, and attorney's fees~~
4 ~~and costs, as alleged on the face of the petition, and~~

5 ~~[(2) family law cases and proceedings].~~

6 (b) A ~~[This section does not affect the right to appeal to a]~~
7 county court at law does not have jurisdiction of felony cases,
8 except as otherwise provided ~~[from the justice courts in cases in~~
9 ~~which the right of appeal to the county court exists]~~ by law.

10 (c) A county court at law does not have general supervisory
11 control over the commissioners court.

12 (d) A ~~[The judge of a]~~ county court at law may not issue
13 writs of habeas corpus in felony cases ~~[engage in the private~~
14 ~~practice of law].~~

15 (e) The district clerk serves as clerk of a county court at
16 law in cases in the concurrent jurisdiction of the county courts at
17 law and the district courts, and the county clerk serves as the
18 clerk in all other cases. The district clerk shall establish a
19 separate docket for each ~~[judge of a]~~ county court at law ~~[shall be~~
20 ~~paid an annual salary of at least \$40,000].~~

21 (f) A special judge of a county court at law ~~[If the regular~~
22 ~~judge of a county court at law is absent, disabled, or disqualified~~
23 ~~from presiding, a special judge with the same qualifications as the~~
24 ~~regular judge]~~ may be appointed or elected in the manner provided by
25 law for the appointment or election of a special county judge.

26 (i) The district attorney or county attorney and the county
27 sheriff, in person or by deputy, shall attend a county court at law/ 8/9

1 as required by the judge.

2 (k) If a jury trial is requested in a case that is in a
3 county court at law's jurisdiction as provided by Subsection (a),
4 the jury shall be composed of six members unless the constitution
5 requires a 12-member jury. Failure to object before a six-member
6 jury is seated and sworn constitutes a waiver of a 12-member jury.
7 ~~[With the approval of the commissioners court, the judge of a county~~
8 ~~court at law may appoint personnel necessary to administer court~~
9 ~~activities. The appointed personnel shall perform the duties~~
10 ~~prescribed by the judge and shall cooperate with state agencies for~~
11 ~~the uniform and efficient operation of the courts and the~~
12 ~~administration of justice. The personnel are entitled to be paid~~
13 ~~from county funds the compensation, fees, and allowances that are~~
14 ~~set by the commissioners court or as otherwise provided by law.]~~

15 (m) On request of a county court at law judge, jurors
16 regularly impaneled for a week by the district courts may be made
17 available and shall serve for the week in the county court at law
18 ~~[Sections 25.0005(b), 25.0006, and 25.0008 do not apply to a county~~
19 ~~court at law in Parker County].~~

20 (n) A county court at law of Parker County may summon jurors
21 for service in the court in the manner provided by law for county
22 courts. Juries summoned for the County Court of Parker County or a
23 county court at law of Parker County may, by order of the judge of
24 the court in which they are summoned, be transferred to the other
25 court for service.

26 (o) The judge of a county court at law shall be paid an
27 annual salary that is at least equal to the amount that is \$1,000 / 9/10

1 less than the total annual salary, including supplements, received
2 by a district judge in the county.

3 (p) A vacancy in the office of judge of a county court at law
4 is filled by appointment by the commissioners court.

5 (q) The judges of the county courts at law may divide each
6 term of court into as many sessions as they consider necessary for
7 the disposition of business and may extend a particular term of
8 court if practicable for the efficient and justiciable disposition
9 of individual proceedings and matters.

10 (r) The official court reporter of a county court at law
11 must be well skilled in the court reporter's profession. The
12 official court reporter of a county court at law is a sworn officer
13 of the court who holds office at the pleasure of the court. The
14 official court reporter of a county court at law is entitled to
15 receive at least the same amount as compensation as the official
16 court reporters in the district courts in the county. The
17 compensation shall be paid in the same manner that the district
18 court reporters are paid.

19 (s) If any cause or proceeding is lodged with the district
20 clerk and the district clerk files, docket, or assigns the cause or
21 proceeding in or to a county court at law and the county court at law
22 does not have subject matter jurisdiction over the cause or
23 proceeding, then the filing, docketing, or assignment of the cause
24 or proceeding in or to a county court at law is considered a
25 clerical error and that clerical error shall be corrected by a
26 judgment or order nunc pro tunc. The cause or proceeding is
27 considered filed, docketed, or assigned to the district court of

1 the local administrative judge in the first instance rather than to
2 a county court at law. The judge of a county court at law who acts
3 in the cause or proceeding is considered assigned to the district
4 court of the local administrative judge for that purpose and has all
5 the powers of the judge of that district court under the assignment.

6 (t) A county court at law judge has jurisdiction to grant an
7 order permitting a marriage ceremony to take place during a 72-hour
8 period immediately following the issuance of a marriage license in
9 Parker County.

10 (u) The judges of the county courts at law have the same
11 judicial immunity as a district judge.

12 (v) In matters of concurrent jurisdiction, a judge of a
13 county court at law and a judge of a district court or another
14 county court at law may transfer cases between the courts in the
15 same manner judges of district courts transfer cases under Section
16 24.303.

17 (w) A judge of a county court at law and a judge of a
18 district court may exchange benches and may sit and act for each
19 other in any matter pending before the court.

20 (x) The judges of the county courts at law may from time to
21 time transfer criminal misdemeanor cases to other county courts at
22 law to equalize the criminal misdemeanor dockets of the county
23 courts at law for the efficient operation of the court system and
24 the effective administration of justice.

25 (c) Subsection (b), Section 25.1863, Government Code, is
26 amended to read as follows:

27 (b) A county court at law has concurrent jurisdiction with ^{11/12}

1 the district court over contested probate matters. Notwithstanding
2 the requirement in Subsection (b), Section 5, Texas Probate Code,
3 that the judge of the constitutional county court transfer a
4 contested probate proceeding to the district court, the judge of
5 the constitutional county court shall transfer the proceeding under
6 that section to either the County Court at Law of Parker County [~~a~~
7 ~~county court at law~~] or the district court. The county court at law
8 has the jurisdiction, powers, and duties that a district court has
9 under Subsection (b), Section 5, Texas Probate Code, for the
10 transferred proceeding, and the county clerk acts as clerk for the
11 proceeding. The contested proceeding may be transferred between
12 the county court at law and the district court as provided by local
13 rules of administration.

14 (d) The County Court at Law No. 2 of Parker County is created
15 and this section takes effect September 1, 2003.

16 SECTION 7. Except as otherwise provided by this Act, this
17 Act takes effect September 1, 2003.

Enrolled May 29, 2003

Mardi Blanchard

Enrolling Clerk

S.B. No. 1552

AN ACT

relating to the creation and composition of certain county courts
at law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Subsection (a), Section 25.0451,
Government Code, is amended to read as follows:

(a) Collin County has the following statutory county
courts:

(1) County Court at Law No. 1 of Collin County;

(2) County Court at Law No. 2 of Collin County;

(3) County Court at Law No. 3 of Collin County;

(4) County Court at Law No. 4 of Collin County; ~~and~~

(5) County Court at Law No. 5 of Collin County; and

(6) County Court at Law No. 6 of Collin County.

(b) The County Court at Law No. 6 of Collin County is created
and this section takes effect January 1, 2005.

SECTION 2. (a) Section 25.0481, Government Code, is
amended to read as follows:

Sec. 25.0481. COMAL COUNTY. Comal County has the following
~~[one]~~ statutory county courts:

(1) [court, the] County Court at Law No. 1 of Comal
County; and

(2) County Court at Law No. 2 of Comal County.

(b) The County Court at Law No. 2 of Comal County is created

and this section takes effect September 1, 2003.

SECTION 3. (a) Section 25.1091, Government Code, is amended to read as follows:

Sec. 25.1091. HENDERSON COUNTY. Henderson County has the following [one] statutory county courts:

(1) [court,] the County Court at Law of Henderson County; and

(2) the County Court at Law No. 2 of Henderson County.

(b) Subsections (a) and (c), Section 152.1131, Human Resources Code, are amended to read as follows:

(a) The juvenile board of Henderson County is composed of:

(1) the county judge;

(2) the judges of the 3rd, 173rd, and 392nd judicial districts;

(3) the judges [~~judge~~] of the county courts [~~court~~] at law; and

(4) the county attorney.

(c) The commissioners court shall pay the 173rd and 392nd district judges and the county court at law judges [~~judge~~] an amount set by the commissioners court at not less than \$750 a month and shall pay the 3rd district judge an amount set by the commissioners court at not less than one-third of the amount paid to the 173rd or 392nd district judge or the county court at law judges [~~judge~~]. The commissioners court shall pay the other juvenile board members an amount set by the commissioners court at not less than \$250 a month. The compensation is in addition to other compensation provided or allowed by law.

(c) Notwithstanding Section 25.1091, Government Code, as amended by this section, the County Court at Law No. 2 of Henderson County is created December 1, 2007, or on an earlier date determined by the commissioners court by an order entered in its minutes.

SECTION 4. (a) Section 25.1831, Government Code, is amended to read as follows:

Sec. 25.1831. ORANGE COUNTY. (a) Orange County has the following [one] statutory county courts:

(1) [court,] the County Court at Law of Orange County; and

(2) the County Court at Law No. 2 of Orange County.

(b) A county court at law in ~~[The County Court at Law of]~~ Orange County sits at the county seat.

(b) Subsection (i), Section 25.1832, Government Code, is amended to read as follows:

(i) Except as otherwise required by law, a jury in a county court at law is ~~[Juries in all matters civil or criminal shall be composed of 12 members, except that in misdemeanor criminal cases and cases of concurrent jurisdiction with the county court, the juries shall be]~~ composed of six members.

(c) The change in law made by Subsection (a) of this section applies only to a proceeding commenced on or after the effective date of this section. A proceeding commenced before the effective date of this section is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

(d) The County Court at Law No. 2 of Orange County is created

and this section takes effect September 1, 2003.

SECTION 5. (a) Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.2011 and 25.2012 to read as follows:

Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has one statutory county court, the County Court at Law of Rockwall County.

Sec. 25.2012. ROCKWALL COUNTY COURT AT LAW PROVISIONS.

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Rockwall County has, concurrent with the district court, the jurisdiction provided by the constitution and general law for district courts.

(b) A county court at law does not have general supervisory control or appellate review of the commissioners court or jurisdiction of:

(1) felony cases involving capital murder;

(2) suits on behalf of the state to recover penalties or escheated property;

(3) misdemeanors involving official misconduct; or

(4) contested elections.

(c) The district clerk serves as clerk of a county court at law except that the county clerk serves as clerk of the county court at law in matters of mental health, the probate and criminal misdemeanor docket, and all civil matters in which the county court at law does not have concurrent jurisdiction with the district court.

(d) Jurors regularly impaneled for the week by the district

courts may, at the request of the judge of a county court at law, be made available by the district judge in the numbers requested and shall serve for the week or until released in the county court at law.

(e) A county court at law may summon jurors through the county clerk for service in the county court at law in the manner provided by the laws governing the drawing, selection, and service of jurors for county courts. Jurors summoned shall be paid in the same manner and at the same rate as jurors for district courts in Rockwall County. By order of the judge of a county court at law, jurors summoned to the county court at law may be transferred to the district court for service in noncapital felony cases.

(f) Notwithstanding Sections 74.091 and 74.0911, a district judge serves as the local administrative judge for the district and statutory county courts in Rockwall County. The judges of district courts shall elect a district judge as local administrative judge for a term of not more than two years. The local administrative judge may not be elected on the basis of rotation or seniority.

(g) When administering a case for the county court at law, the district clerk shall charge civil fees and court costs as if the case had been filed in the district court. In a case of concurrent jurisdiction, the case shall be assigned to either the district court or the county court at law in accordance with local administrative rules established by the local administrative judge.

(h) The judge of the county court at law shall appoint an official court reporter for the court and shall set the official

court reporter's annual salary, subject to approval by the county commissioners court. The official court reporter of the county court at law shall take an oath or affirmation as an officer of the court. The official court reporter holds office at the pleasure of the judge of the court and shall be provided a private office in close proximity to the court. The official court reporter is entitled to all rights and benefits afforded all other county employees.

(i) With the approval of the county commissioners court and through the county budget process, the judge of the county court at law shall hire a staff. The staff of the judge of the county court at law consists of a court coordinator and a bailiff. Court personnel employed under this subsection are entitled to receive a salary set by the commissioners court and other employment benefits received by county employees.

(j) Not later than one year after the date of appointment, the bailiff of a county court at law must obtain a peace officer license under Chapter 1701, Occupations Code, from the Commission on Law Enforcement Officer Standards and Education. The sheriff of Rockwall County shall deputize the bailiff of a county court at law. The bailiff of a county court at law is subject to the training and continuing education requirements of a sheriff's deputy of the county. The sheriff shall remove from office a bailiff who does not receive a peace officer license within one year of appointment as required by this subsection.

(k) The judge of a county court at law must be a United States citizen at the time of appointment or election.

(1) The judge of a county court at law shall diligently discharge the duties of the office on a full-time basis and may not engage in the private practice of law.

(m) In matters of concurrent jurisdiction, the judge of a county court at law and the district judge may exchange benches, transfer cases subject to acceptance, assign each other to hear cases, and otherwise manage their respective dockets under local administrative rules.

(n) The judge of a county court at law has the same judicial immunity as a district judge.

(b) The County Court at Law of Rockwall County is created and this section takes effect September 1, 2003.

SECTION 6. (a) Subsection (a), Section 25.1861, Government Code, is amended to read as follows:

(a) Parker County has the following ~~[one]~~ statutory county courts:

(1) ~~[court,]~~ the County Court at Law of Parker County; and

(2) the County Court at Law No. 2 of Parker County.

(b) Section 25.1862, Government Code, is amended by amending Subsections (a), (b), (d), (e), (f), (i), (k), and (m) and adding Subsections (c) and (n) through (x) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Parker County has the ~~[concurrent]~~ jurisdiction provided by the constitution and by general law for ~~[with the] district courts [court in]~~

1 ~~[(1) civil cases in which the matter in controversy~~
2 ~~exceeds \$500 but does not exceed \$500,000, excluding interest,~~
3 ~~statutory or punitive damages and penalties, and attorney's fees~~
4 ~~and costs, as alleged on the face of the petition, and~~

5 ~~[(2) family law cases and proceedings].~~

6 (b) A ~~[This section does not affect the right to appeal to a]~~
7 county court at law does not have jurisdiction of felony cases,
8 except as otherwise provided ~~[from the justice courts in cases in~~
9 ~~which the right of appeal to the county court exists]~~ by law.

10 (c) A county court at law does not have general supervisory
11 control over the commissioners court.

12 (d) A ~~[The judge of a]~~ county court at law may not issue
13 writs of habeas corpus in felony cases ~~[engage in the private~~
14 ~~practice of law].~~

15 (e) The district clerk serves as clerk of a county court at
16 law in cases in the concurrent jurisdiction of the county courts at
17 law and the district courts, and the county clerk serves as the
18 clerk in all other cases. The district clerk shall establish a
19 separate docket for each ~~[judge of a]~~ county court at law ~~[shall be~~
20 ~~paid an annual salary of at least \$40,000].~~

21 (f) A special judge of a county court at law ~~[If the regular~~
22 ~~judge of a county court at law is absent, disabled, or disqualified~~
23 ~~from presiding, a special judge with the same qualifications as the~~
24 ~~regular judge]~~ may be appointed or elected in the manner provided by
25 law for the appointment or election of a special county judge.

26 (i) The district attorney or county attorney and the county
27 sheriff, in person or by deputy, shall attend a county court at law

as required by the judge.

(k) If a jury trial is requested in a case that is in a county court at law's jurisdiction as provided by Subsection (a), the jury shall be composed of six members unless the constitution requires a 12-member jury. Failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury.
~~[With the approval of the commissioners court, the judge of a county court at law may appoint personnel necessary to administer court activities. The appointed personnel shall perform the duties prescribed by the judge and shall cooperate with state agencies for the uniform and efficient operation of the courts and the administration of justice. The personnel are entitled to be paid from county funds the compensation, fees, and allowances that are set by the commissioners court or as otherwise provided by law.]~~

(m) On request of a county court at law judge, jurors regularly impaneled for a week by the district courts may be made available and shall serve for the week in the county court at law
~~[Sections 25.0005(b), 25.0006, and 25.0008 do not apply to a county court at law in Parker County].~~

(n) A county court at law of Parker County may summon jurors for service in the court in the manner provided by law for county courts. Juries summoned for the County Court of Parker County or a county court at law of Parker County may, by order of the judge of the court in which they are summoned, be transferred to the other court for service.

(o) The judge of a county court at law shall be paid an annual salary that is at least equal to the amount that is \$1,000

less than the total annual salary, including supplements, received by a district judge in the county.

(p) A vacancy in the office of judge of a county court at law is filled by appointment by the commissioners court.

(q) The judges of the county courts at law may divide each term of court into as many sessions as they consider necessary for the disposition of business and may extend a particular term of court if practicable for the efficient and justiciable disposition of individual proceedings and matters.

(r) The official court reporter of a county court at law must be well skilled in the court reporter's profession. The official court reporter of a county court at law is a sworn officer of the court who holds office at the pleasure of the court. The official court reporter of a county court at law is entitled to receive at least the same amount as compensation as the official court reporters in the district courts in the county. The compensation shall be paid in the same manner that the district court reporters are paid.

(s) If any cause or proceeding is lodged with the district clerk and the district clerk files, docket, or assigns the cause or proceeding in or to a county court at law and the county court at law does not have subject matter jurisdiction over the cause or proceeding, then the filing, docketing, or assignment of the cause or proceeding in or to a county court at law is considered a clerical error and that clerical error shall be corrected by a judgment or order nunc pro tunc. The cause or proceeding is considered filed, docketed, or assigned to the district court of

the local administrative judge in the first instance rather than to a county court at law. The judge of a county court at law who acts in the cause or proceeding is considered assigned to the district court of the local administrative judge for that purpose and has all the powers of the judge of that district court under the assignment.

(t) A county court at law judge has jurisdiction to grant an order permitting a marriage ceremony to take place during a 72-hour period immediately following the issuance of a marriage license in Parker County.

(u) The judges of the county courts at law have the same judicial immunity as a district judge.

(v) In matters of concurrent jurisdiction, a judge of a county court at law and a judge of a district court or another county court at law may transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.303.

(w) A judge of a county court at law and a judge of a district court may exchange benches and may sit and act for each other in any matter pending before the court.

(x) The judges of the county courts at law may from time to time transfer criminal misdemeanor cases to other county courts at law to equalize the criminal misdemeanor dockets of the county courts at law for the efficient operation of the court system and the effective administration of justice.

(c) Subsection (b), Section 25.1863, Government Code, is amended to read as follows:

(b) A county court at law has concurrent jurisdiction with

1 the district court over contested probate matters. Notwithstanding
 2 the requirement in Subsection (b), Section 5, Texas Probate Code,
 3 that the judge of the constitutional county court transfer a
 4 contested probate proceeding to the district court, the judge of
 5 the constitutional county court shall transfer the proceeding under
 6 that section to either the County Court at Law of Parker County [~~a~~
 7 ~~county court at law~~] or the district court. The county court at law
 8 has the jurisdiction, powers, and duties that a district court has
 9 under Subsection (b), Section 5, Texas Probate Code, for the
 10 transferred proceeding, and the county clerk acts as clerk for the
 11 proceeding. The contested proceeding may be transferred between
 12 the county court at law and the district court as provided by local
 13 rules of administration.

14 (d) The County Court at Law No. 2 of Parker County is created
 15 and this section takes effect September 1, 2003.

16 SECTION 7. Except as otherwise provided by this Act, this
 17 Act takes effect September 1, 2003.

S.B. No. 1552

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1552 passed the Senate on May 1, 2003, by a viva-voce vote; and that the Senate concurred in House amendment on May 29, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1552 passed the House, with amendment, on May 23, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 12, 2003

TO: Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of certain county courts at law.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552, Committee Report 2nd House, Substituted: a negative impact of (\$33,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$15,000)
2005	(\$18,333)
2006	(\$20,000)
2007	(\$20,000)
2008	(\$23,750)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$15,000)
2005	(\$18,333)
2006	(\$20,000)
2007	(\$20,000)
2008	(\$23,750)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Comal County. Under the bill, the County Court at Law No. 2 of Comal County would be created on September 1, 2003.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Henderson County. Under the bill, the County Court at Law No. 2 of Henderson County would be created December 1, 2007 or on an earlier date determined by the commissioner's court.

The bill would amend Government Code, Chapter 25 to created an additional county court at law in Orange County. Under the bill, the County Court at Law No. 2 of Orange County would be created September 1, 2003.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Parker County and would establish certain provisions for Parker County Courts at Law. Under the bill, the County Court at Law No. 2 of Parker County would be created on September 1, 2003.

The bill would amend Government Code, Chapter 25 to create a new county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, the County Court at Law of Rockwall County would be created on September 1, 2003.

The bill would take effect September 1, 2003.

Methodology

Since Collin, Comal, Henderson, Orange, and Parker counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law, once those courts are established. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12. This estimate assumes the Henderson County Court at Law is established on December 1, 2007 and the salary supplement has been prorated for 9 months in fiscal year 2008.

Local Government Impact

The auditors in Collin, Comal, Henderson, Orange, Parker, and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$0	\$455,241	\$586,694	\$586,694	\$586,694
Comal	\$337,727	\$286,920	\$295,522	\$304,555	\$314,039
Henderson	\$104,740	\$174,875	\$248,375	\$264,447	\$282,151
Orange	\$272,645	\$272,645	\$272,645	\$272,645	\$272,645
Parker	\$222,996	\$215,946	\$215,946	\$215,946	\$215,946
Rockwall	\$425,000	\$425,000	\$425,000	\$425,000	\$425,000

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JK, GO, VDS, TB, KG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 9, 2003

TO: Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of certain county courts at law.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552, As Engrossed: a negative impact of (\$23,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$10,000)
2005	(\$13,333)
2006	(\$15,000)
2007	(\$15,000)
2008	(\$18,750)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$10,000)
2005	(\$13,333)
2006	(\$15,000)
2007	(\$15,000)
2008	(\$18,750)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Comal County. Under the bill, the County Court at Law No. 2 of Comal County would be created on September 1, 2003.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Henderson County. Under the bill, the County Court at Law No. 2 of Henderson County would be created December 1, 2007 or on an earlier date determined by the commissioner's court.

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Parker County and would establish certain provisions for Parker County Courts at Law. Under the bill, the County Court at Law No. 2 of Parker County would be created on September 1, 2003.

The bill would amend Government Code, Chapter 25 to create a new county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, the County Court at Law of Rockwall County would be created on September 1, 2003.

The bill would take effect September 1, 2003.

Methodology

Since Collin, Comal, Henderson, and Parker counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law, once those courts are established. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12. This estimate assumes the Henderson County Court at Law is established on December 1, 2007 and the salary supplement has been prorated for 9 months in fiscal year 2008.

Local Government Impact

The auditors in Collin, Comal, Henderson, Parker and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$0	\$455,241	\$586,694	\$586,694	\$586,694
Comal	\$337,727	\$286,920	\$295,522	\$304,555	\$314,039
Henderson	\$104,740	\$174,875	\$248,375	\$264,447	\$282,151
Parker	\$222,996	\$215,946	\$215,946	\$215,946	\$215,946
Rockwall	\$425,000	\$425,000	\$425,000	\$425,000	\$425,000

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JK, GO, VDS, TB, KG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 23, 2003

TO: Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of county courts at law.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552. Committee Report 1st House, Substituted: a negative impact of (\$13,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$13,750)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$13,750)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would also amend Government Code, Chapter 25 to create an additional county court at law in Comal County, the County Court at Law No. 2.

The bill would amend the Government Code, Chapter 25 to create an additional county court at law in Henderson County. Under the bill, the County Court at Law No. 2 in Henderson County would be created December 1, 2007 or on an earlier date determined by the commissioner's court.

The bill would also create a county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, these two courts would be created on September 1, 2003.

The bill would take effect September 1, 2003.

Methodology

Since Collin, Comal, and Henderson counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law, once those courts are established. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12. This estimate assumes the Henderson County Court at Law is established on December 1, 2007 and the salary supplement has been prorated for 9 months in fiscal year 2008.

Local Government Impact

The auditors in Collin, Comal, Henderson, and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$ -	\$ 455,241	\$ 586,694	\$ 586,694	\$ 586,694
Comal	\$ 337,727	\$ 286,920	\$ 295,522	\$ 304,555	\$ 314,039
Henderson	\$ 104,740	\$ 174,875	\$ 248,375	\$ 264,447	\$ 282,151
Rockwall	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts
LBB Staff: JK, GO, VDS, TB, KG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 9, 2003

TO: Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1552 by Duncan (Relating to the creation and composition of county courts at law.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1552, As Introduced: a negative impact of (\$13,333) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$10,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$5,000)
2005	(\$8,333)
2006	(\$10,000)
2007	(\$10,000)
2008	(\$10,000)

Fiscal Analysis

The bill would amend Government Code, Chapter 25 to create an additional county court at law in Collin County. Under the bill, the County Court at Law No. 6 of Collin County would be created on January 1, 2005.

The bill would also amend Government Code, Chapter 25 to create an additional county court at law in Comal County, the County Court at Law No. 2. The bill would also create a county court at law in Rockwall County and would establish certain provisions for the newly created court. Under the bill, these two courts would be created on September 1, 2003. The bill would take effect September 1, 2003.

Methodology

Since Collin and Comal counties have passed a resolution to collect court costs and fees under Government Code, Section 51.702, the state would incur an annual cost of \$5,000 in the form of a salary supplement for the judges of the new county courts at law. Since the County Court at Law No. 6 of Collin County would be created on January 1, 2005, the impact for fiscal year 2005 has been prorated for eight months instead of 12.

Local Government Impact

The auditors in Collin, Comal, and Rockwall counties provided estimates of local costs, which would include salaries and benefits for ancillary court personnel and other operating expenses. Costs to the affected counties are as follows:

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Collin	\$0	(\$455,241)	(\$586,694)	(\$586,694)	(\$586,694)
Comal	(\$337,727)	(\$286,920)	(\$295,522)	(\$304,555)	(\$314,039)
Rockwall	(\$425,000)	(\$425,000)	(\$425,000)	(\$425,000)	(\$425,000)

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JK, GO, VDS, TB, KG

1.11
Ch 11_____
President of the Senate_____
Speaker of the House

I hereby certify that S.B. No. 1552 passed the Senate on May 1, 2003, by a viva-voce vote ~~by the following~~ vote: Yeas , Nays ; and that the Senate concurred in House amendment on May 29, 2003, by a viva-voce vote. ~~by the following vote: Yeas~~ , Nays .

Secretary of the Senate

I hereby certify that S.B. No. 1552 passed the House, with amendment, on May 23, 2003, by a non-record vote. ~~by the following vote: Yeas~~ , Nays , one present not voting.

Chief Clerk of the House

Approved:

Date_____
Governor

S.B. No. 1552

By Rohr

A BILL TO BE ENTITLED

AN ACT:

relating to the creation and composition of county courts at law.

MAR 14 2003

Filed with the Secretary of the Senate

MAR 20 2003

Read and referred to Committee on JURISPRUDENCE

Reported favorably _____

APR 24 2003

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

MAY 01 2003

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
____ yeas, ____ nays

MAY 01 2003

Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
____ yeas, ____ nays

MAY 01 2003

Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 0 nays.

MAY 01 2003

Read third time, amended, and passed by: { A viva voce vote
____ yeas, ____ nays

Lately Spaw
SECRETARY OF THE SENATE

OTHER ACTION:

May 1, 2003

Engrossed

May 2, 2003

Sent to House

Engrossing Clerk

Mardi Alexander

MAY 02 2003

Received from the Senate

MAY 02 2003

Read first time and referred to Committee on Judicial Affairs

MAY 10 2003

Reported ____ favorably (~~amended~~) (as substituted)

MAY 13 2003

Sent to Committee on (~~Calendars~~) (Local & Consent Calendars)

MAY 23 2003

Read second time (comm. subst.) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote) (~~second vote of~~ ____ yeas, ____ nays, ____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of ____ yeas, ____ nays, ____ present, not voting.

MAY 23 2003

Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote) (~~second vote of~~ ____ yeas, ____ nays, ____ present, not voting)

MAY 24 2003

Returned to Senate.

Robert Haney
CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

MAY 24 2003

Returned from House with 1 amendments.

MAY 29 2003

Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

03 MAY 13 AM 9:21
HOUSE OF REPRESENTATIVES